



## CITY COUNCIL AGENDA REPORT

**Meeting Date:** November 17, 2022

**From:** John Swiecki, Community Development Director

**Subject:** Urgency Ordinance adopting the 2022 California Building Standards Code with local amendments and finding that this Ordinance categorically exempt from environmental review under CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment.

### Community Goal/Result

Safe Community - Residents and visitors will experience a sense of safety

Ecological Sustainability - Brisbane will be a leader in setting policies and practicing service delivery innovations that promote ecological sustainability

### Purpose

To adopt the most recent version of the California Building Standards Codes (Code of Regulations, Title 24 or CBC) and the International Property Maintenance Code, including amendments to the CBC and existing reach codes, e.g., fire protection, on-site energy generation, etc., with the new provisions to be in full force and effect January 1, 2023.

### Recommendation

Adopt the attached draft ordinance on an urgency basis.

### Background

Every three years a new set of construction codes is published by the State. Local adoption of these codes allows the City to enforce them under the authority of the Brisbane Municipal Code (BMC). A city may also adopt local modifications to these codes based on certain findings. Whether or not a city elects to adopt the State codes by local ordinance, the State codes automatically become effective January 1, 2023.

The last Code adoption cycle was in 2019 when the City amended Chapter 15.04 of the BMC, to adopt the 2019 Edition of the California Building Standards Code. At the same time, the City also amended other chapters within Title 15 of the BMC to adopt local “reach codes” pertaining to fire protection, on-site energy generation, building electrification, and electric vehicle (EV) charging infrastructure.

This draft ordinance was prepared collaboratively between the Planning, Building, Public Works and Fire Departments and in consultation with the City Attorney. An informational summary of the draft ordinance was provided to the Planning Commission at its last meeting and the City Council Planning Issues Subcommittee received a brief report on reach codes in October.

## Discussion

**Building Code and Property Maintenance Code Adoption:** The proposed ordinance would adopt the following construction codes by updating BMC Chapter 15.04, Adoption of Construction Codes:

1. 2022 California Administrative Code, Title 24, Part 1.
2. 2022 California Building Code, Volumes 1 and 2, based on the 2021 International Building Code (ICC), Title 24, Part 2, including Appendix G Flood Resistant Construction, Appendix I Patio Covers, and Appendix J Grading.
3. 2022 California Residential Code, based on the 2021 Edition International Residential Code (ICC), Title 24, Part 2.5, including Appendix H Patio Covers, Appendix J Existing Building and Structures, Appendix K Sound Transmission, and Appendix V Swimming Pool Safety Act.
4. 2022 California Electrical Code, based on the 2020 Edition National Electric Code as published by the National Fire Protection Association (NFPA), Title 24, Part 3.
5. 2022 California Mechanical Code, based on the 2021 Uniform Mechanical Code as published by the International Association of Plumbing and Mechanical Officials (IAPMO), including all appendix chapters, Title 24, Part 4.
6. 2022 California Plumbing Code, based upon the 2021 Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials (IAPMO), including all appendix chapters, Title 24, Part 5.
7. 2022 California Energy Code, Title 24, Part 6.
8. 2022 California Historical Building Code, Title 24, Part 8.
9. 2022 California Fire Code, Title 24, Part 9, and modifications thereof, see Chapter 15.44 of this title.
10. 2022 California Existing Building Code based on the 2021 International Existing Building Code Edition, published by the International Code Council, together with those omissions, amendments, exceptions and additions thereto as amended in Part 10 of the California Building Standards Code, California Code of Regulations Title 24.
11. 2022 California Green Building Standards Code, Title 24, Part 11.
12. 2022 California Referenced Standards Code, Title 24, Part 12.

Additionally, in order to keep current with property maintenance provisions, it is recommended that the 2021 International Property Maintenance Code be adopted to replace the 2018 edition.

As indicated above, adoption of the above referenced codes would allow the City to enforce the said codes under the authority of the BMC.

**Brisbane Construction Code:** BMC Chapter 15.04 is one of many chapters under Title 15 that together regulate buildings and construction. A number of these chapters have not been

amended since 1978 and are obsolete, remnants of a previous iteration of the Brisbane Construction Code that have been superseded by the CBC. The draft ordinance (Section 15) would delete out-of-date BMC Chapters 15.08 – Organization and Enforcement, 15.12 – Permits and Fees, 15.16 - Inspections, and 15.20 – Certificates of Occupancy.

**Energy and Reduction of Greenhouse Gas Emissions Reach Codes:** To supplement the updated State codes noted above, it is proposed that the City maintain previously adopted local modifications, known as “reach codes”, to address local fire hazards as well as energy efficiency and greenhouse gas (GHG) emissions. It is also proposed that the City delete reach codes that are no longer necessary due to updated CBC requirements that supersede the City’s current reach codes.

The table below identifies the City’s existing reach codes related to energy and GHG reductions and summarizes staff’s proposed action.

<b>Reach Code</b>	<b>Recommended Action</b>
Onsite Energy Generation (BMC Ch 15.81)	Repeal
New Buildings Electrification (BMC Ch 15.83)	Repeal and replace with similar reach code
EV Charging Infrastructure (BMC Ch 15.84)	Retain with no modifications ( <i>minor amendment(s) to application streamlining under BMC Ch 15.86 proposed</i> )

**BMC Chapter 15.81 - On-Site Energy Generation: This reach code is superseded by the 2022 CBC and staff proposes it to be deleted (see Section 15 of the draft ordinance).**

Current City reach codes require that new residential and non-residential buildings include limited on-site solar energy generation. The 2022 CBC requires all new residential and nonresidential building to install a new solar energy and battery storage system; State code supersedes this local reach code.

**BMC Chapter 15.83 - Building Electrification: Staff recommends eliminating blanket exceptions (see Sections 1, 4, and 15 of the draft ordinance).**

The City adopted BMC Chapter 15.83 during the last cycle in 2019. It requires all newly constructed residential and nonresidential buildings to be all-electric with some exceptions. For example, residences could have combustion cooking appliances and fireplaces, and life science buildings and buildings that demonstrate non-electric building components are essential as a core component of the intended building use, such as a barbeque-themed restaurant, pizza oven were entirely exempt. New buildings would not be prohibited from the use of natural gas under the 2022 CBC, however, building electrification is still considered an appropriate prescriptive reach code. In addition to solar power generation, building electrification remains an important step in further reducing GHG emissions and the City’s current reach code still exceeds the requirements of the CBC. It is recommended t this reach code be retained to:

- Reduce the use of natural gas in buildings which improves indoor environmental quality and health and welfare;
- Reduce the use of natural gas which will reduce the natural gas infrastructure and fire risk over time; and
- Promote the health and welfare of residents, workers, and visitors to the City.

As noted above, the City’s adopted reach included blanket exemptions for certain businesses and appliances. Given the importance of eliminating gas to achieve long term climate goals, staff believes the existing blanket exemptions are no longer warranted or appropriate. The amendments proposed in the draft ordinance would eliminate all current exceptions, unless the applicant establishes that, “there is not an all-electric prescriptive compliance pathway for the building under the California Building Energy Efficiency Standards, and that the building is not able to achieve the performance compliance standard applicable to the building under the Energy Efficiency Standards using commercially available technology and an approved calculation method.” If an exception were granted, subject to approval from the Building Official, the applicant would still be required to pre-wire the building to be all-electric as condition of approval. This language would be consistent with more recent all-electric reach codes adopted by cities like San Mateo, Belmont, and San Carlos. At the City Council Planning Subcommittee meeting, it was mentioned that Millbrae’s reach code had an absolute prohibition on gas with no feasibility exemption for any uses, including R&D. In researching this matter further, staff verified that Millbrae’s proposed reach code includes a feasibility exemption similar to the other cities listed above.

The draft ordinance would repeal BMC Chapter 15.83, which amended the 2019 California Energy Code, and replace with local amendments to CALGreen (Part 11 of the CBC). If a reach code amends the Energy Code (Part 6 of the CBC), jurisdictions need to file an application to the California Energy Commission to demonstrate that any local amendments are cost effective and would save more energy than those required by the State. This is done by submitting a detailed cost effectiveness study to the State. This requirement does not extend to other parts of the CBC, meaning, amending Part 11 rather than Part 6 of the CBC would achieve the same outcome (requiring all new construction, both residential and nonresidential buildings be all-electric) while simplifying adoption of the reach code.

**BMC Chapter 15.84 - EV Charging Infrastructure: This reach code is still considered a reasonable prescriptive reach code (see Section 1 of the draft ordinance).**

The City adopted BMC Chapter 15.84 during the last cycle in 2019. It requires specific EV chargers and EV parking spaces in new development projects. Per the City’s Sustainability Manager, this reach code remains stronger than the new 2022 CBC as well as the new EV reach codes proposed by the Bay Area Reach Codes Coalition. This reach code is recommended to be retained and readopted without revision.

A minor amendment to BMC Chapter 15.86, which is related to EV charger permit streamlining for existing development and discussed below under “Other Modifications”, does not change the requirements under this reach code that applies only to new development projects. It is recommended to retain this reach code to increase EV charging infrastructure to encourage electric vehicle adoption, which in turn reduces GHG emissions and improves air quality and health and welfare.

**Fire Code:** Since 2007, the City has adopted local modifications to the Fire Code that address items such as automatic fire sprinklers on certain structures, fire access turnarounds on dead end roads, removal of combustible materials from property, limitations on storage of explosives and flammable liquids, and other provisions. Local modifications to the Fire Code are again proposed in BMC Chapter 15.44 of the attached draft ordinance. In this cycle, the proposed updates suggested by North County Fire Authority are for clarification and/or reorganization and do not substantively change the previously approved modifications. Fire Code amendments are included as Section 5 of the draft ordinance.

**Express Findings Required for Local Amendments:** Section 17958 of the California Health and Safety Code provides that a local jurisdiction may make changes to the provisions within the State’s uniform codes that are published in the California Building Standards Code. Sections 17958.5 and 17958.7 of the Health and Safety Code require that for each proposed local change to those provisions in the uniform codes and published in the California Building Standards Code which regulate buildings used for human habitation, the City Council must make findings supporting its determination that each such local change is reasonably necessary because of local climatic, geological, topographical, or environmental conditions.

In the past, the City has made such findings for local modifications to the Fire Code based on Brisbane’s heavily vegetated hillsides; narrow, steep public streets and private access-ways; proximity to the San Andreas Fault; exposure to strong winds; and location immediately adjacent to protected habitat conservation areas subject to wildland fires.

While the findings for our fire reach codes have been made in past years, they must be repeated again as part of this Ordinance; the findings are in Section 1. The express findings, summarized below, have been modified to address other local modifications included within the Ordinance that make amendments to the Building Code and Green Building Standards Code of the 2022 CBC, something that has not been done previously.

1. Failure to address and significantly reduce GHG emissions could result in sea level rise, that could put at risk City homes and businesses, public facilities, and Highway 101.
2. The burning of fossil fuels used in gas appliances for the heating of buildings contributes to climate change and GHG emissions.
3. EV charging installations may help the City of Brisbane reduce its share of the GHG emissions that contribute to climate change.

4. All-electric new buildings benefit the health, safety, and welfare of Brisbane residents. Requiring all-electric construction without gas infrastructure will reduce the amount of GHG emissions produced in Brisbane.
5. The local amendments for all-electric new buildings are consistent with the goals of the Green Building Code.
6. The City is located near the San Andreas Fault and is subject to seismic activity that could potentially result in ground shaking and damage to structures, via shaking, slope failure, and liquefaction and potentially ignite fires throughout the City.
7. The City of Brisbane is located along the eastern slope of San Bruno Mountain, immediately adjacent to a protected habitat conservation area which is subject to wildland fires due to existing vegetation and a temperate climate with dry summer months. These factors create a substantial safety hazard to nearby residences and the natural environment. The City's existing development and vacant sites along eastern slope of San Bruno Mountain may be subject to slope movement resulting in potential hazards related to slope stability.
8. The City regularly experiences strong winds, with average velocities ranging from approximately 15 to 25 miles per hour and reaching high velocities of 50 miles per hour and these winds may significantly contribute to the spread of fire and increase the difficulty of fire suppression in the City or otherwise impact structures, such as patio covers.
9. The elimination of natural gas infrastructure in new buildings would reduce fire hazards in buildings near highly combustible wildland areas and the reduction of natural gas infrastructure in new buildings would reduce the hazards associated with gas leaks during seismic events.
10. Certain hillside areas of the City contain narrow, winding streets, with steep grades and congested parking and traffic, making access difficult for fire apparatus and equipment in the event of an emergency.
11. Numerous dwellings located within the upper hillsides can only be reached by means of private access ways which may not be adequately constructed or maintained for access by Fire Department vehicles.
12. Brisbane has a predominance of small lots, with many being in range of 2,500 to 5,000 square feet, and sound transmission from one lot can readily impact neighboring lots. The close proximity of the lots on steep topography could also exacerbate the impacts in the event of a structural or grading failure.
13. The City's topography, combined with its proximity to U.S. Interstate 101, which runs through its eastern edge, and its proximity to San Francisco International Airport (SFO),

located approximately 2 to 3 miles to the south, results in sound transmission from these sources throughout the City.

14. Brisbane's small residential lots on steep hillsides pose hazards of accidents associated with swimming pools due to the close proximity between the swimming pools and residences.
15. Brisbane has a large number of existing older buildings and structures, many of which were built without the benefit of building codes being in effect at the time, and the above outlined climatic, geological and topographic conditions combine to create hazardous conditions to these structures.

**Other Modifications:** The Ordinance also includes minor amendments to BMC Chapter 15.86 - Electric Vehicle Charging Station Permit Streamlining to address grammatical errors and new State legislation. The State passed AB 970 which builds upon AB 1236 passed in 2015 and amends California Government Code Section 65850.7. Effective January 1, 2023, AB 970 clarifies the timeline, or streamlining requirements, on permits for EV charging stations at existing buildings as follows:

- For projects with 1-25 stations at a single site, applications must be reviewed for completeness within 5 business days and approved/denied within 20 business days.
- For projects with 26 or more stations at a single site, applications must be reviewed for completeness within 10 business days and approved/denied within 40 business days.

The amendments within the draft ordinance are consistent with new State law, specifying the purpose and applicability of the chapter is pursuant to, "California Government Code Section 65850.7 or successor legislation." No change is proposed to the current EV charging infrastructure standards contained within BMC Chapter 15.84, which only applies to new development projects. Section 10 of the draft ordinance includes the modifications to BMC Chapter 15.86.

### **Ordinance to be Adopted on an Urgency Basis**

The ordinance is proposed for adoption on an urgency basis because the 2022 Edition of the California Building Code becomes effective state-wide on January 1, 2023 and it is the community's interest of health and safety for the city's reach code provisions to be in full force and effect at that time. If the Ordinance were not adopted as an urgency ordinance, the local amendments made to the 2022 Edition of the California Building Code would not be in effect until mid-January 2023 due to the City Council's meeting schedule in December. A four-fifths vote of the City Council is needed to adopt the Ordinance on an urgency basis.

### **CEQA Determination**

Adoption of the Ordinance is not subject environmental review under the California Environmental Quality Act (CEQA) in that it is categorically exempt under the CEQA Guidelines, Section 15308, Actions by Regulatory Agencies to Protect the Environment.

### **Fiscal Impact**

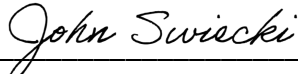
None

### **Measure of Success**

Application of updated standards to comply with State law and implementation of local amendments which protect public health and safety and help meet the goals of the City's Climate Action Plan.

### **Attachments**

1. Draft Urgency Ordinance adopting the 2022 California Building Standards Code with local amendments
2. "Redline" of the updates to the BMC



John Swiecki, Community Development Director



Clay Holstine, City Manager



**draft**  
**ORDINANCE NO. \_\_\_\_\_**

**AN URGENCY ORDINANCE OF THE CITY OF BRISBANE TO BE ADOPTED  
AS OF NOVEMBER 17, 2022 AND TO TAKE EFFECT ON JANUARY 1, 2023  
TO AMEND BRISBANE MUNICIPAL CODE TITLE 15 - BUILDINGS AND CONSTRUCTION,  
CHAPTER 15.04 - ADOPTION OF CONSTRUCTION CODES AND  
CHAPTER 15.44 - FIRE PREVENTION CODE, ADOPTING THE 2022 CALIFORNIA  
BUILDING STANDARDS CODES AND THE 2021 INTERNATIONAL PROPERTY  
MAINTENANCE CODE, WITH CERTAIN LOCAL MODIFICATIONS, INCLUDING  
ELECTRIFICATION PROVISIONS FOR NEW BUILDINGS;  
AMEND CHAPTER 15.84, ELECTRIC VEHICLE INFRASTRUCTURE; AND  
REPEAL CHAPTERS 15.08 - ORGANIZATION AND ENFORCEMENT, 15.12 - PERMITS AND  
FEES, 15.16 - INSPECTIONS, 15.20 - CERTIFICATES OF OCCUPANCY, 15.81 - ON-SITE  
ENERGY GENERATION, AND 15.83 - BUILDING ELECTRIFICATION**

**The City Council of the City of Brisbane hereby ordains as follows:**

**SECTION 1:** The City Council finds and determines that:

- A. The actions contained in this ordinance comply with the California Environmental Quality Act (CEQA), being categorically exempt per CEQA Section 15308, Actions by Regulatory Agencies for Protection of the Environment.
- B. The 2022 Edition of the California Building Code (CBC) becomes effective state-wide on January 1, 2023 and City's adoption of the CBC is necessary in that it allows for enforcement of the CBC under existing and subsequently adopted enforcement provisions of the Brisbane Municipal Code.
- C. The City adopted a Climate Action Plan on September 17, 2015, which includes the goal of reducing carbon emissions from fossil fuels to help curb global warming. Methods include increasing substituting renewable energy for fossil fuel energy sources. The following are primary means to reduce fossil fuel emissions:
  1. Building electrification versus use of fossil fuels.
  2. Power generation via solar energy.
  3. Reduction in the fossil fuel emissions from transportation
- D. California Health and Safety Code Sections 17922, 17958, 17958.5, 17958.7, and 18941.5 authorize the City to make local amendments to the provisions in the California Building Standards Code upon express findings that the local amendments are reasonably necessary due to local climatic, geological, topographical, and/or environmental conditions.
- E. By reason of the following climatic, geological, topographical, and environmental conditions, summarized in Exhibit A attached and incorporated to this ordinance, it is necessary to adopt certain local amendments to the CBC in order to provide a high level of fire, health, and life safety for all persons who live and work within the City of Brisbane and to adequately protect both public and private property within the City:
  1. Failure to address and significantly reduce greenhouse gas (GHG) emissions could result in sea level rise, that could put at risk City homes and businesses, public facilities, and Highway 101.

2. The burning of fossil fuels used in gas appliances for the heating of buildings contributes to climate change and GHG emissions.
3. Electric vehicle (EV) charging installations may help the City of Brisbane reduce its share of the GHG emissions that contribute to climate change.
4. All-electric new buildings benefit the health, safety, and welfare of Brisbane residents and requiring all-electric construction without gas infrastructure will reduce the amount of GHG emissions produced in Brisbane.
5. The local amendments for all-electric new buildings are consistent with the goals of the Green Building Code and help achieve the following:
  - Reduce the use of natural gas in buildings which improves indoor environmental quality and health and welfare;
  - Reduce the use of natural gas which will reduce the natural gas infrastructure and fire risk over time;
  - Promote the health and welfare of residents, workers, and visitors to the City; and
  - Increase electric vehicle charging infrastructure to encourage electric vehicle adoption which in turn reduces greenhouse gas emissions and improves air quality and health and welfare.
6. The City is located near the San Andreas Fault and is subject to seismic activity that could potentially result in ground shaking and damage to structures, via shaking, slope failure, and liquefaction and potentially ignite fires throughout the City.
7. The City of Brisbane is located along the eastern slope of San Bruno Mountain, immediately adjacent to a protected habitat conservation area which is subject to wildland fires due to existing vegetation and a temperate climate with dry summer months. These factors create a substantial safety hazard to nearby residences and the natural environment. The City's existing development and vacant sites along eastern slope of San Bruno Mountain may be subject to slope movement resulting in potential hazards related to slope stability.
8. The City regularly experiences strong winds, with average velocities ranging from approximately 15 to 25 miles per hour and reaching high velocities of 50 miles per hour and these winds may significantly contribute to the spread of fire and increase the difficulty of fire suppression in the City or otherwise impact structures, such as patio covers.
9. The elimination of natural gas infrastructure in new buildings would reduce fire hazards in buildings near highly combustible wildland areas and the reduction of natural gas infrastructure in new buildings would reduce the hazards associated with gas leaks during seismic events.
10. Certain hillside areas of the City contain narrow, winding streets, with steep grades and congested parking and traffic, making access difficult for fire apparatus and equipment in the event of an emergency.
11. Numerous dwellings located within the upper hillsides can only be reached by means of private access ways which may not be adequately constructed or maintained for access by Fire Department vehicles.
12. Brisbane has a predominance of small lots, with many being in range of 2,500 to 5,000 square feet, and sound transmission from one lot can readily impact neighboring lots. The close proximity of the lots on steep topography could also exacerbate the impacts in the event of a structural or grading failure.

13. The City's topography, combined with its proximity to U.S. Interstate 101, which runs through its eastern edge, and its proximity to San Francisco International Airport (SFO), located approximately 2 to 3 miles to the south, results in sound transmission from these sources throughout the City.
  14. Brisbane's small residential lots on steep hillsides pose hazards of accidents associated with swimming pools due to the close proximity between the swimming pools and residences.
  15. Brisbane has a large number of existing older buildings and structures, many of which were built without the benefit of building codes being in effect at the time, and the above outlined climatic, geological and topographic conditions combine to create hazardous conditions to these structures.
- F. In 2017, Brisbane adopted an energy reach code, which included cool roof and solar energy provisions for both residential and nonresidential new development, known as the City of Brisbane Electric Onsite Energy Generation Ordinance and the following is noted:
1. Brisbane's previously adopted cool roof provisions were superseded by the California Energy Code in 2019.
  2. Brisbane's previously adopted residential and nonresidential solar energy provisions have been superseded by increasing requirements of the 2022 California Energy Code for solar power generation.
  3. The City of Brisbane Electric Onsite Energy Generation Ordinance is no longer necessary and should therefore be repealed.
- G. In 2019, Brisbane adopted an energy and GHG emissions reach code, which included provisions for all-electric new buildings, known as the City of Brisbane Building Electrification Ordinance, and the following is noted:
1. The City of Brisbane Building Electrification Ordinance amended the 2019 California Energy Code.
  2. Energy efficient buildings promote public health and welfare by reducing carbon emissions and providing for lower cost and more sustainable buildings.
  3. By reason of express findings summarized in Exhibit A, it is necessary to reaffirm adoption of certain provisions contained within Brisbane's 2019 Building Electrification Ordinance again in 2022.
  4. The amendments to the 2022 California Green Building Standards Code, Title 24, Part 11, contained within Section 4 of this ordinance are sufficient to replace the provisions contained within the City of Brisbane Building Electrification Ordinance, which can therefore be repealed.
- H. In 2019, Brisbane adopted an energy and GHG emissions reach code, which included EV charger and EV parking regulations for new development projects, known as the City of Brisbane Electric Vehicle Infrastructure Ordinance, and the following is noted:
1. Use of fossil fuel vehicles is a primary contributor to transportation emissions and availability of EV charging infrastructure is a critical component to EV adoption over the continued use of fossil fuel reliant vehicles. Additionally, provision of EV charging

infrastructure is most cost effective as part of new development projects versus existing building/site retrofit projects.

2. The provisions within Brisbane's EV Infrastructure Ordinance exceed the EV infrastructure provisions required by the 2022 California Building Standards Code as well as the latest EV infrastructure reach codes proposed by the Bay Area Reach Codes Coalition.
  3. By reason of express findings E.1 and E.3 noted above, it is necessary to reaffirm adoption of Brisbane's 2019 Electric Vehicle Infrastructure Ordinance again in 2022.
- I. Government Code, section 36937 allows a city to adopt an urgency ordinance to take effect immediately upon its adoption for the preservation of the public peace, health, or safety upon a finding of facts constituting the urgency thereof.

**SECTION 2:** Section 15.04.010 of the Brisbane Municipal Code is amended to read as follows:

**15.04.010 Purpose and authority.**

The purpose of this chapter is to adopt by reference the 2022 Edition of the California Building Standards Code, Title 24 of the California Code of Regulations. This chapter is also adopted to provide minimum requirements and standards for the protection of the public safety, health, property and welfare of the City of Brisbane. This chapter is adopted under the authority of Government Code Section 38660 and Section 50022.2 and Health and Safety Code Section 18941.5.

**SECTION 3:** Section 15.04.020 of the Brisbane Municipal Code is amended to read as follows:

**15.04.020 Citation.**

This chapter shall be known as the Brisbane Construction Code or Building Code of the City of Brisbane, and may be cited as such, and will be referred to herein as "this code."

**SECTION 3:** Section 15.04.040 of the Brisbane Municipal Code is amended to read as follows:

**15.04.040 Adoption of construction codes.**

- A. Title 24 of the California Code of Regulations, 2022 Edition of the California Building Standards Code, is hereby adopted by reference and incorporated in this code, including the following parts:
1. 2022 California Administrative Code, Title 24, Part 1.
  2. 2022 California Building Code, Volumes 1 and 2, based on the 2021 International Building Code (ICC), Title 24, Part 2, including Appendix G Flood Resistant Construction, Appendix I Patio Covers, and Appendix J Grading.
  3. 2022 California Residential Code, based on the 2021 Edition International Residential Code (ICC), Title 24, Part 2.5, including Appendix H Patio Covers, Appendix J Existing Building and Structures, Appendix K Sound Transmission, and Appendix V Swimming Pool Safety Act.
  4. 2022 California Electrical Code, based on the 2020 Edition National Electric Code as published by the National Fire Protection Association (NFPA), Title 24, Part 3.
  5. 2022 California Mechanical Code, based on the 2021 Uniform Mechanical Code as published by the International Association of Plumbing and Mechanical Officials (IAPMO), including all appendix chapters, Title 24, Part 4.

6. 2022 California Plumbing Code, based upon the 2021 Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials (IAPMO), including all appendix chapters, Title 24, Part 5.
  7. 2022 California Energy Code, Title 24, Part 6.
  8. 2022 California Historical Building Code, Title 24, Part 8.
  9. 2022 California Fire Code, Title 24, Part 9, and modifications thereof, see Chapter 15.44 of this title.
  10. 2022 California Existing Building Code based on the 2021 International Existing Building Code Edition, published by the International Code Council, together with those omissions, amendments, exceptions and additions thereto as amended in Part 10 of the California Building Standards Code, California Code of Regulations Title 24.
  11. 2022 California Green Building Standards Code, Title 24, Part 11.
  12. 2022 California Referenced Standards Code, Title 24, Part 12.
- B. The 2021 International Property Maintenance Code is hereby adopted by reference and incorporated in this code.

**SECTION 4:** Section 15.04.043 and 15.04.47 are added to the Brisbane Municipal Code to read as follows:

**15.04.043 Amendments to the California Building Standards Code**

The 2022 California Building Code (CBC), California Residential Code (CRC), and California Green Building Standards Code (CALGreen) are hereby amended as follows:

- A. CBC Section 101.1 is amended to read as follows:
  - [A] 101.1 Title.
 

These regulations shall be known as the Building Code of the City of Brisbane, hereinafter referred to as "this code."
- B. CBC Section 102.6.3 is added to read as follows:
  - [A] 102.6.3 Buildings or structures moved into city.
 

Any building or structure moved into the city, within the jurisdiction of the building official, shall meet the standards required by the construction codes for new buildings and structures.
- C. CBC Section 102.7 is added to read as follows:
  - [A] 102.7 Additions, Alterations, and Major Rebuilds to Existing Buildings.
 

Additions, alterations, or repairs to any building or structure shall comply with the provisions set out in this code, except as otherwise required in Chapter 15.10 of Title 15.
- D. CBC Section 103.1 is amended to read as follows:
  - [A] 103.1 Enforcement Agency.
 

The Community Development Department is the official in charge thereof and shall be known as the building official. The function of the agency shall be the implementation, administration, and enforcement of the provisions of this code.
- E. Small Residential Rooftop Solar Permit Streamlining.
  1. CBC Section 105.3.1.1 is added to read as follows:

105.3.1.1 Small Residential Rooftop Solar Permit Streamlining.

Any application for a building permit for small residential rooftop solar energy systems, as defined by Chapter 15.82 of this Title, is subject to the streamlined and inspection process established thereunder.

2. CRC Section R105.3.1.2 is added to read as follows:

R105.3.1.2 Small Residential Rooftop Solar Permit Streamlining.

Any application for a building permit for small residential rooftop solar energy systems, as defined by Chapter 15.82 of this Title, is subject to the streamlined and inspection process established thereunder.

F. Electric Vehicle Charging Station Permit Streamlining.

1. CBC Section 105.3.1.2 is added to read as follows:

105.3.1.2 Electric Vehicle Charging Station Permit Streamlining.

Any application for a building permit for electric vehicle charging stations, as defined by Chapter 15.86 of this Title, is subject to the streamlined process established thereunder.

2. CRC Section R105.3.1.3 is added to read as follows:

R105.3.1.3 Electric Vehicle Charging Station Permit Streamlining.

Any application for a building permit for electric vehicle charging stations, as defined by Chapter 15.86 of this Title, is subject to the streamlined process established thereunder.

G. CBC Section 109.4 is deleted in its entirety and replaced to read as follows:

[A] 109.4 Work commencing before permit issuance.

Any person who commences any work before obtaining the necessary permits shall be subject to a penalty fee established by the building official that is up to ten (10) times the amount of the required permit fee, in addition to the required permit fees.

The payment of penalty fees for commencing work without a permit shall not relieve any person from fully complying with the requirements of this code or the construction codes in the execution of the work; and the payment of such fees shall not relieve any person from any other fines or penalties that may be imposed pursuant to any other provisions of this title.

H. CBC Section 114.4 is amended to read as follows:

[A] 114.4 Violation penalties.

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters, or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code shall constitute a misdemeanor, punishable by the fines, penalties, and enforcement provisions set forth in Chapters 1.14, 1.16 and 1.18 of Title 1. The penalties set forth herein are cumulative and shall not preclude the imposition of any other fine or penalty otherwise permitted by law, including a penalty fee for commencing work without a permit as prescribed by this code.

I. CBC Section 1505.1.2 is amended to read as follows:

1505.1.2 Roof coverings within all other areas.

The entire roof covering of every existing structure where ten percent (10%) or more of the total roof area of a wood roof or fifty percent (50%) or more of the total roof area of a non-wood roof is replaced

within any one (1) year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class C.

- J. CALGreen Section 202 is amended to add definitions as follows:

**ALL-ELECTRIC BUILDING.** A building that contains no combustion equipment or plumbing for combustion equipment serving space heating (including fireplaces), water heating (including pools and spas), cooking appliances (including barbeques), and clothes drying, within the building or building property lines, and instead uses electric heating appliances for service.

**ELECTRIC HEATING APPLIANCE.** A device that produces heat energy to create a warm environment by the application of electric power to resistance elements, refrigerant compressors, or dissimilar material junctions, as defined in the California Mechanical Code.

**FUEL GAS.** A gas that is natural, manufactured, liquefied petroleum, or a mixture of these, as defined in the California Mechanical Code.

**FUEL GAS INFRASTRUCTURE.** Piping, other than service pipe, in or in connection with a building, structure or within the property lines of premises, extending from the point of delivery at the gas meter, service meter assembly, outlet of the service regulator, service shutoff valve, or final pressure regulator, whichever is applicable, as defined in the California Mechanical Code.

**LABORATORY.** A room, building or area where the use and storage of hazardous materials are utilized for testing, analysis, instruction, research or developmental activities in medical and life sciences. The building may include a combination of scientific work areas and the supporting offices.

- K. CALGreen Section 4.106 is amended to include new subsections to read as follows:

**4.106.5 All-electric buildings.** New construction buildings and qualifying alteration projects shall comply with Section 4.106.5.1 or 4.106.5.2 so that they do not use combustion equipment or are ready to accommodate installation of electric heating appliances.

**4.106.5.1. New construction.** All newly constructed buildings shall be all-electric buildings.

**Exceptions:**

If the applicant establishes that there is not an all-electric prescriptive compliance pathway for the building under the California Building Energy Efficiency Standards, and that the building is not able to achieve the performance compliance standard applicable to the building under the Energy Efficiency Standards using commercially available technology and an approved calculation method, then the local enforcing agency may grant a modification. The applicant shall comply with Section 4.106.5.2.

Inactive Fuel Gas Infrastructure may be extended to spaces that are anticipated to qualify for the exceptions contained in this chapter. The inactive Fuel Gas Infrastructure shall not be activated, have a meter installed, or otherwise used unless the exemptions specified in this chapter have been confirmed as part of the issuance of a building permit. If the Fuel Gas Infrastructure is no longer serving one of the exceptions contained in this chapter, it shall either be capped, otherwise terminated, or removed by the entity previously entitled to the exemption, in a manner pursuant to all applicable Codes.

The City of Brisbane shall have the authority to approve alternative materials, design and methods of construction or equipment per California Building Code Section 104.

**4.106.5.2 Requirements for combustion equipment.** Where combustion equipment is allowed per Exceptions under 4.106.5.1, the construction drawings shall indicate electrical infrastructure and

physical space accommodating the future installation of an electrical heating appliance in the following ways, as certified by a registered design professional or licensed electrical contractor:

1. Branch circuit wiring, electrically isolated and designed to serve all electrical heating appliances in accordance with manufacturer requirements and the California Electrical Code, including the appropriate voltage, phase, minimum amperage, and an electrical receptacle or junction box within five feet of the appliance that is accessible with no obstructions. Appropriately sized conduit may be installed in lieu of conductors; and
  2. Labeling of both ends of the unused conductors or conduit shall be with “For Future Electrical Appliance”; and
  3. Reserved circuit breakers in the electrical panel for each branch circuit, appropriately labeled (i.e. “Reserved for Future Electric Range”), and positioned on the opposite end of the panel supply conductor connection; and
  4. Connected subpanels, panelboards, switchboards, busbars, and transformers shall be sized to serve the future electrical heating appliances. The electrical capacity requirements shall be adjusted for demand factors in accordance with the California Electric Code; and
  5. Physical space for future electrical heating appliances, including equipment footprint, and if needed a pathway reserved for routing of ductwork to heat pump evaporator(s), shall be depicted on the construction drawings. The footprint necessary for future electrical heating appliances may overlap with non-structural partitions and with the location of currently designed combustion equipment.
- L. CALGreen Section 5.106 is amended to include new subsections to read as follows:

**5.106.13 All-electric buildings.** New construction buildings and qualifying alteration projects shall comply with Section 5.106.13.1 or 5.106.13.2 so that they do not use combustion equipment or are ready to accommodate installation of electric heating appliances.

**5.106.13.1 New construction.** All newly constructed buildings shall be all-electric buildings.

**Exceptions:**

Laboratory areas within Non-Residential Buildings may contain non-electric Space Conditioning Systems. To take advantage of this exception, an applicant shall provide third party verification that the All-electric space heating requirement is not cost effective and feasible.

If the applicant establishes that there is not an all-electric prescriptive compliance pathway for the building under the California Building Energy Efficiency Standards, and that the building is not able to achieve the performance compliance standard applicable to the building under the Energy Efficiency Standards using commercially available technology and an approved calculation method, then the local enforcing agency may grant a modification. The applicant shall comply with Section 5.106.13.2

Inactive Fuel Gas Infrastructure may be extended to spaces that are anticipated to qualify for the exceptions contained in this chapter. The inactive Fuel Gas Infrastructure shall not be activated, have a meter installed, or otherwise used unless the exemptions specified in this chapter have been confirmed as part of the issuance of a building permit. If the Fuel Gas Infrastructure is no longer serving one of the exceptions contained in this chapter, it shall either be capped, otherwise terminated, or removed by the entity previously entitled to the exemption, in a manner pursuant to all applicable Codes.

The City of Brisbane shall have the authority to approve alternative materials, design and methods of construction or equipment per California Building Code Section 104.



**5.106.13.2 Requirements for combustion equipment.** Where combustion equipment is allowed per Exceptions under 5.106.13.1, the construction drawings shall indicate electrical infrastructure and physical space accommodating the future installation of an electrical heating appliance in the following ways, as certified by a registered design professional or licensed electrical contractor:

1. Branch circuit wiring, electrically isolated and designed to serve all electrical heating appliances in accordance with manufacturer requirements and the California Electrical Code, including the appropriate voltage, phase, minimum amperage, and an electrical receptacle or junction box within five feet of the appliance that is accessible with no obstructions. Appropriately sized conduit may be installed in lieu of conductors; and
2. Labeling of both ends of the unused conductors or conduit shall be with “For Future Electrical Appliance”; and
3. Reserved circuit breakers in the electrical panel for each branch circuit, appropriately labeled (i.e. “Reserved for Future Electric Range”), and positioned on the opposite end of the panel supply conductor connection; and
4. Connected subpanels, panelboards, switchboards, busbars, and transformers shall be sized to serve the future electrical heating appliances. The electrical capacity requirements shall be adjusted for demand factors in accordance with the California Electric Code; and
5. Physical space for future electrical heating appliances, including equipment footprint, and if needed a pathway reserved for routing of ductwork to heat pump evaporator(s), shall be depicted on the construction drawings. The footprint necessary for future electrical heating appliances may overlap with non-structural partitions and with the location of currently designed combustion equipment.

**15.04.047 Building permit fee.**

- A. A fee for each permit issued shall be paid to the building official as set forth in CBC Section 109.
- B. All development projects exceeding the size and valuation thresholds set forth in Chapter 15.85 of this Title shall make contributions to the Brisbane public art fund in the amounts specified thereunder.

**SECTION 5:** Section 15.44.040 of the Brisbane Municipal Code is amended to read as follows:

**15.44.040 Section 105.6.25 added—Permit fees.**

Section 105.6.25 is added to the fire code, to read as follows:

105.6.25 Permit fees. The Fire Department shall be authorized to charge such fees and costs for services performed pursuant to the Fire Code as may be established from time to time by ordinance or resolution of the City Council.

**SECTION 6:** Section 15.44.130 of the Brisbane Municipal Code is amended to read as follows:

**15.44.130 Section 710 added—Roof coverings.**

Section 710 is added to the fire code, to read as follows:

710 Roof coverings. Roof coverings on all buildings shall be fire retardant non-wood materials and shall comply with the standards of the California Building Code, Class A or B, prepared or built-up roofing. Re-roofing of existing buildings which occurs within any twelve (12) month period shall comply with the foregoing requirement if the re-roofing involves fifty percent (50%) or more of the roof area in the case of a non-wood roof or ten percent (10%) or more of the roof area in the case of a wood roof.

**SECTION 7:** Section 15.44.150 of the Brisbane Municipal Code is amended to read as follows:

**15.44.150 Section 5601.1.6 amended—General.**

Section 5601.1.6 of the fire code is amended by adding the following paragraph at the end of said section:

The storage of explosives and blasting agents is prohibited in all areas of the City, except that the Fire Marshal may grant a permit to allow such storage if the Fire Marshal determines, in each case, that the storage is required for the conduct of a lawful use upon the property, will not constitute a safety hazard, and will otherwise comply with all applicable provisions of this Code and all other ordinances, rules and regulations of the City. The Fire Marshal may impose such conditions and requirements upon the issuance of the permit as the Fire Marshal deems necessary or appropriate.

**SECTION 8:** Section 15.44.190 of the Brisbane Municipal Code is amended to read as follows:

**15.44.190 Section 903.2.22 added—Sprinkler protection of car stackers.**

Section 903.2.22 of the fire code is added to read:

Sections 903.2.22 Purpose: To establish requirements for sprinkler protection of car stackers not specifically addressed in NFPA 13.

Section 903.2.22- Car Stackers

Parking garage areas containing car stackers shall be protected by an automatic wet-pipe sprinkler system designed to Extra Hazard Group 2. In addition, non-extended coverage standard sidewall sprinklers listed for Ordinary Hazard shall be provided under each parking level, including the bottom level if the stacker is provided with a pit. Each sidewall sprinkler shall cover an area of 80 sq. ft. or less.

The area of application may be reduced from the required 2500 sq. ft. to as low as 1500 sq. ft. if

1. 1-hour fire rated walls are provided to separate the car stacker areas from the standard parking stalls,
2. The car stacker areas are divided up into 1500 sq. ft. areas via 1-hour fire rated walls, and
3. One-hour fire rated walls are provided to separate the car stacker areas from any other areas in the garage.

One-hour fire rated walls are not required in the driveway areas. For the hydraulic calculation, flow from all sprinklers, upright or pendent sprinklers at ceiling and all sidewall sprinklers at all levels, located in the area of application shall be included in the calculation.

**SECTION 9:** Sections 15.44.193 and 15.44.197 are added to the Brisbane Municipal Code to read as follows:

**15.44.193 Amendment to Appendix D of Section D101—Definition—Fire apparatus access road.**

Appendix D of the Fire Code is amended by adding Section D101.2 to read as follows:

D101.2—Definition Fire Apparatus Access Road. A road that provides fire apparatus access from a fire station to a facility, building or portion thereof. This is a general term inclusive of all other terms such as but not limited to fire lane, public street, private street, parking lot lane, access roadway and driveway.

**15.44.197 Amendment to Appendix D of Section D102—Access road exceptions.**

An Exception is added to Appendix D of Section D102 of the fire code to read as follows:

Exception: When a fire department access road cannot be installed due to location on the property, topography, waterways, nonnegotiable grades, or other similar conditions the authority having jurisdiction shall be authorized to require fire protection features in addition to those already required.

**SECTION 10:** Section 15.86.020 of the Brisbane Municipal Code is amended to read as follows:

**15.86.020 - Purpose of chapter.**

This chapter is adopted for the following purposes:

- A. To comply with California Government Code Section 65850.7 or successor legislation.
- B. To provide an expedited, streamlined permitting process for electric vehicle charging stations.
- C. To continue to address life-safety issues for electric vehicle charging stations through the building permit process.
- D. To further the purposes of Chapter 15.84 of this Code (Electric Vehicle Infrastructure) concerning the requirements for electrical vehicle charging infrastructure as part of new development projects.

**SECTION 11:** Section 15.86.040 of the Brisbane Municipal Code is amended to read as follows:

**15.86.040 - Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meanings:

- A. "Building official" is the community development director and the duties specified herein may be assigned to the director's designee.
- B. "Electronic submittal" means using the city's online portal or the internet.
- C. "Electric vehicle charging station" or "charging station" means any level of an electric vehicle supply equipment station that is designed and built in compliance with Article 625 of the California Electric Code, as it reads on January 1, 2019 or subsequently adopted amendments, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.
- D. "Specific adverse impact" means a significant, quantifiable, direct, or unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.
- E. "Unusual circumstances" means the city's resources have been limited due to such things as response to a declaration of local emergency, natural disaster, pandemic or similar unforeseen events.

**SECTION 12:** Section 15.86.050 of the Brisbane Municipal Code is amended to read as follows:

**15.86.050 - Application requirements and procedures.**

An electric vehicle charging station shall require a building permit subject to the requirements and procedures set forth in Sections 15.86.050.A—D. These sections apply to the permitting of all electric vehicle charging stations in the city.

- A. Requirements (as set forth in Government Code, Section 65850.7 or successor legislation).
  - 1. Electric vehicle charging stations shall meet all applicable health and safety requirements imposed by the state and the city.
  - 2. Electric vehicle charging stations shall meet all applicable safety and performance standards established by the California Electric Code, the Society of Automotive

Engineers, the National Electrical Manufacturers Association, and the accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

B. Application Streamlining.

1. The city's permitting procedures shall comply with Government Code Section 65850.7 or successor legislation. The City shall:
  - a. Provide an administratively adopted building permit checklist of requirements and application form that will available through the city's website.
  - b. Accept an applicant's electronic signature on all forms, applications, and other documents.
  - c. Administratively approve building permit applications that comply with all requirements.
  - d. Limit its review and requirements to those standards and regulations necessary to ensure there is no specific adverse impact on public health or safety by the proposed installation.
  - e. Complete its review of each building permit application and, except in the event of unusual circumstances, provide the applicant with written notice of the status of the application within the applicable time period prescribed in Section 65850.7 or successor legislation. This shall include one or more of the following: notice of an incomplete application with deficiencies indicated, notice of approval based on the finding provided in section 15.86.050.C.1, or notice of denial based on the finding provided in section 15.86.050.C.2.
2. Application Requirements.
  - a. As required by the building official, the applicant shall complete and submit the charging station building permit checklist, application form, plans and supplemental documentation and shall submit payment of adopted application fees to the city.
  - b. Through the application for a building permit, the applicant shall provide documentation demonstrating that the installation of an electric vehicle charging station will not have a specific adverse impact to public health and safety or any building occupants, such verification shall include but not be limited to: electrical system capacity and loads; electrical system wiring, bonding and overcurrent protection; building infrastructure affected by charging station equipment and associated conduits; areas of charging station equipment and vehicle parking.
  - c. Anchorage of either floor-mounted or wall-mounted electric vehicle charging stations shall meet the requirements of the California Building or Residential Code as applicable per occupancy, and the manufacturer's installation instructions. Mounting of charging stations shall not adversely affect building elements.

C. Findings.

1. Approval. The building official shall approve a complete permit application that meets the required standards and approved checklist demonstrating that the electric vehicle charging station will not have a specific adverse impact on public health or safety.

2. Denial. The building official shall not approve a complete permit application where it is found that the proposed electric vehicle charging station would have a specific adverse impact upon the public health or safety and there is no known condition of approval that may be applied to mitigate the specific adverse impact given the circumstances of the application. The building official shall provide to the applicant in writing such finding when made.

D. Conditions of Approval.

1. If necessary to meet the finding provided in Section 15.86.050.C.1, the building official may impose condition(s) of approval, but such condition(s) shall be limited to those designed to mitigate the specific adverse impact upon the public health and safety at the lowest feasible cost.
2. The city shall not condition its approval on the approval of an association as that term is defined on Section 4080 of the State Civil Code.

**SECTION 13:** Section 15.86.060 of the Brisbane Municipal Code is amended to read as follows:

- A. An applicant may appeal the decision of the building official to the planning commission in accordance with the procedures set forth in Title 17, except that the appeal must be filed within seven (7) calendar days of the date on which the decision was rendered.

**SECTION 14:** Sections 15.44.230 and 15.44.240 of the Brisbane Municipal Code are deleted in their entirety.

**SECTION 15:** Chapters 15.08, 15.12, 15.16, 15.20, 15.81, and 15.83 of the Brisbane Municipal Code are deleted in their entirety.

**SECTION 16:** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Brisbane hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases may be held invalid or unconstitutional.

**SECTION 17.** The City Council finds and determines that the adoption of this Ordinance is exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15308, Actions by Regulatory Agencies for Protection of the Environment.

**SECTION 18:** This Ordinance shall be adopted as of November 17, 2022 but shall not be in full force and effect until January 1, 2023. The reason for the Ordinance to be adopted as an urgency ordinance is that the 2022 Edition of the California Building Code becomes effective state-wide on January 1, 2023 and it is the community's interest of health and safety for these new provisions to be in full force and effect at that time in order to allow for enforcement of its provisions. If the Ordinance were not adopted as an urgency ordinance, the local amendment to the 2022 Edition of the California Building Code would not be in effect until mid-January 2023.

\* \* \*

The above and foregoing Ordinance was adopted as an urgency Ordinance at a regular meeting of the City Council of the City of Brisbane held on the seventeenth day of November 2022, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney

**Exhibit A****Findings Supporting Local Amendments to Title 24 of the California Code of Regulations, 2022  
Edition of the California Building Standards Code**

Sections 17958 and 18941.5 of the California Health and Safety Code provides that the City of Brisbane may make changes to the provisions in the uniform codes that are published in the California Building Standards Code. Sections 17958.5 and 17958.7 of the Health and Safety Code require that for each proposed local change to those provisions in the uniform codes and published in the California Building Standards Code which regulate buildings used for human habitation, the City Council must make findings supporting its determination that each such local change is reasonably necessary because of local climatic, geological, or topographical conditions. Similar findings must be made to adopt model code appendices. Amendments to provisions not regulating buildings used for human habitation, including amendments made only for administrative consistency, do not require findings.

<b>Code: California Building Code</b>					
<b>Section(s)</b>	<b>Title</b>	<b>Add</b>	<b>Delete</b>	<b>Amended</b>	<b>Justification (see Key)</b>
102.6.3	Buildings or structures moved into city	X			B, C
102.7	Additions, Alterations, and Major Rebuilds to Existing Buildings	X			B, C
1505.1.2	Roof coverings within all other areas			X	B, C
Appendix G	Flood Resistant Construction	X			B, C
Appendix I	Patio Covers	X			B, C
Appendix J	Grading	X			B, C
<b>Code: California Residential Code</b>					
<b>Section(s)</b>	<b>Title</b>	<b>Add</b>	<b>Delete</b>	<b>Amended</b>	<b>Justification (see Key)</b>
Appendix H	Patio Covers	X			B, C
Appendix J	Existing Buildings and Structures	X			B, C
Appendix K	Sound Transmission	X			C
Appendix V	Swimming Pool Safety Act	X			B, C
<b>Code: California Fire Code</b>					
<b>Section(s)</b>	<b>Title</b>	<b>Add</b>	<b>Delete</b>	<b>Amended</b>	<b>Justification (see Key)</b>
104.2	Application and permits			X	B, C
105.6.25	Permit fees	X			B, C
503.2.5	Dead ends			X	B, C
503.3	Marking			X	B, C
507.5.7	Fire hydrants and water supply	X			B, C
903	Automatic sprinkler systems			X	B, C
5608.1	Fireworks prohibited			X	B, C
904.2.3	Floor markings			X	B, C
907.8.1	Maintenance required			X	B, C
710	Roof coverings	X			B, C
5301.1	Scope (storage of compressed natural gas)			X	B, C
5601.1.6	General (storage of explosives and blasting agents)			X	B, C

<b>Code: California Fire Code</b>					
<b>Section(s)</b>	<b>Title</b>	<b>Add</b>	<b>Delete</b>	<b>Amended</b>	<b>Justification (see Key)</b>
5704.1	General (storage of flammable or combustible liquids in outside aboveground tanks)			X	B, C
6104.2	Maximum capacity within established limits			X	B, C
914.3.9	Firefighter breathing air replenishment system	X			B, C
903.2.22	Sprinkler protection of car stackers	X			B, C
D101.2	Fire apparatus access road (definition)			X	B, C
D102	Access road exceptions			X	B, C
D102.2	Access to exterior door	X			B, C
D102.3	Large building access	X			B, C
D102.4	Access road clearance	X			B, C
103.7	Marking	X			B, C
<b>Code: California Green Building Standards Code</b>					
<b>Section(s)</b>	<b>Title</b>	<b>Add</b>	<b>Delete</b>	<b>Amended</b>	<b>Justification (see Key)</b>
202	Definitions			X	A, B, C, D
4.106.5	All-electric residential buildings	X			A, B, C, D
4.106.5.1	New construction	X			A, B, C, D
4.106.5.2	Requirements for combustion equipment	X			A, B, C, D
5.106.13	All-electric nonresidential buildings	X			A, B, C, D
5.106.13.1	New construction	X			A, B, C, D
5.106.13.2	Requirements for combustion equipment	X			A, B, C, D

**Key:**

**A. Climatic**

The local amendments are justified on the basis of local climatic conditions in Brisbane. Failure to address and significantly reduce greenhouse gas (GHG) emissions could result in rises in sea level, including in San Francisco Bay, that could put at risk City homes and businesses, public facilities, and Highway 101 (Bayshore Freeway), particularly the mapped Flood Hazard areas of the City. Electric vehicle (EV) charging infrastructure and elimination of the burning of fossil fuels used in gas appliances for the heating of buildings are key components in reducing GHG emissions.

EV charging installations can help the City of Brisbane reduce its share of the GHG emissions that contribute to climate change and contribute to the reduction of GHG emissions by supporting the demand for EVs and the associated charging infrastructure. Furthermore, electricity will become cleaner over time as utilities achieve more stringent Renewable Portfolio Standard requirements and translate the clean energy benefits to electric vehicles.

Natural gas combustion and gas appliances emit a wide range of air pollutants, such as carbon monoxide (CO), nitrogen oxides (NOx, including NO2), particulate matter (PM), and formaldehyde, which according



to a UCLA study, have been linked to various acute and chronic health effects, and additionally exceed levels set by national and California-based ambient air quality standards. The burning of fossil fuels used in gas appliances for the heating of buildings contributes to climate change and GHG emissions. All-electric new buildings benefit the health, safety, and welfare of Brisbane residents. Requiring all-electric construction without gas infrastructure will reduce the amount of GHG emissions produced in Brisbane.

### **B. Geological**

The local amendments are justified on the basis of local geological conditions in Brisbane. The City is located near the San Andreas Fault and is subject to seismic activity that could result in ground shaking and damage to structures, via shaking, slope failure, and liquefaction and potentially ignite fires throughout the City. A powerfully damaging earthquake similar to the 1906 earthquake or 1989 Loma Prieta earthquake is likely to occur in the next 30 years. Smaller magnitude earthquakes are also likely to occur, potentially producing significant local damage. The reduction of natural gas infrastructure in new buildings would reduce the hazards associated with gas leaks during seismic events.

### **C. Topographical**

The local amendments are justified on the basis of local topographic conditions in Brisbane. The City of Brisbane is located at the western edge of the San Francisco Bay and along the eastern flanks of San Bruno Mountain and is approximately 2 to 3 miles north of the San Francisco International Airport (SFO). The City has both existing development and vacant development sites in flood prone areas as well as areas that may be subject to slope movement in steep areas of the City. Many of the City's existing residential lots are small, with many being in range of 2,500 to 5,000 square feet, and located on steep hillsides.

The City's topography and location, adjacent to the San Francisco Bay, San Bruno Mountain U.S. Interstate 101, which runs through its eastern edge, and SFO, combined with its small residential lots present a number of hazards that include, but is not limited to flooding, slope stability, and increased exposure to noise.

Furthermore, the City's hillside areas are constructed on the eastern slope of San Bruno Mountain which is immediately adjacent to a protected habitat conservation area subject to wildland fires due to existing vegetation, particularly chaparral, and a temperate climate with dry summer months. These wildland areas pose substantial risk to nearby residences and the natural environment. Brisbane also regularly experiences strong winds, with average velocities ranging from approximately 15 to 25 miles per hour and reaching high velocities of 50 miles per hour. These winds may significantly contribute to the spread of fire and increase the difficulty of fire suppression in the City or otherwise impact structures, such as patio covers.

The elimination of natural gas infrastructure in new buildings and the transition to electric appliances in existing residential buildings would reduce fire hazards in buildings near highly combustible wildland areas. Furthermore, these areas contain narrow, winding streets, with steep grades and congested parking and traffic, making access difficult for fire apparatus and equipment in the event of emergency. Numerous dwellings located within the upper hillsides can only be reached by means of private access ways which may not be adequately constructed or maintained for access by Fire Department vehicles.

### **D. Environmental**

The local amendments improve the public health and welfare by promoting the environmental and economic health of the City through the design, construction, maintenance, operation and deconstruction of buildings and sites by incorporating green practices into all development. The local amendments are consistent with the goals of the Green Building Code and help achieve the following goals:

- Reduce the use of natural gas in buildings which improves indoor environmental quality and health;

- Reduce the use of natural gas which will reduce the natural gas infrastructure and fire risk over time;
- Promote the health and productivity of residents, workers, and visitors to the city; and
- Increase electric vehicle charging infrastructure to encourage electric vehicle adoption which in turn reduces greenhouse gas emissions and improves air quality

Title 15 - BUILDINGS AND CONSTRUCTION  
Chapter 15.04 ADOPTION OF CONSTRUCTION CODES

## Chapter 15.04 ADOPTION OF CONSTRUCTION CODES

### 15.04.010 Purpose and authority.

The purpose of this chapter is to adopt by reference the ~~2019-2022~~ Edition of the California Building Standards Code, Title 24 of the California Code of Regulations. This chapter is also adopted to provide minimum requirements and standards for the protection of the public safety, health, property and welfare of the City of Brisbane. This chapter is adopted under the authority of Government Code Section 38660 and Section 50022.2 and Health and Safety Code Section 18941.5.

### 15.04.020 Citation.

This chapter shall be known as the Brisbane Construction Code or Building Code of the City of Brisbane, and may be cited as such, and will be referred to herein as "this code."

### 15.04.040 Adoption of construction codes.

- A. Title 24 of the California Code of Regulations, ~~2019-2022~~ Edition of the California Building Standards Code, is hereby adopted by reference and incorporated in this code, including the following parts:
1. ~~2019-2022~~ California Administrative Code, Title 24, Part 1.
  2. ~~2019-2022~~ California Building Code, Volumes 1 and 2, based on the ~~2018-2021~~ International Building Code (ICC), Title 24, Part 2, including Appendix G Flood Resistant Construction, Appendix I Patio Covers, and Appendix J Grading.
  3. ~~2019-2022~~ California Residential Code, based on the ~~2018-2021~~ Edition International Residential Code (ICC), Title 24, Part 2.5, including Appendix H Patio Covers, Appendix J Existing Building and Structures, Appendix K Sound Transmission, and Appendix V Swimming Pool Safety Act., together with those omission, amendments, exceptions and additions thereto as amended in Part 3 2.5 of the California Building Standards Code, California Code of Regulations Title 24.
  4. ~~2019-2022~~ California Electrical Code, based on the ~~2017-2020~~ Edition National Electric Code as published by the National Fire Protection Association (NFPA), Title 24, Part 3.
  5. ~~2019-2022~~ California Mechanical Code, based on the ~~2018-2021~~ Uniform Mechanical Code as published by the International Association of Plumbing and Mechanical Officials (IAPMO), including all appendix chapters, Title 24, Part 4.
  6. ~~2019-2022~~ California Plumbing Code, based upon the ~~2018-2021~~ Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials (IAPMO), including all appendix chapters, Title 24, Part 5.
  7. ~~2019-2022~~ California Energy Code, Title 24, Part 6. ~~3. (See also, local Energy Code provisions in Chapter 15.81 and 15.83.)~~
  8. ~~2019-2022~~ California Historical Building Code, Title 24, Part 8.
  9. ~~For adoption of the 2019-2022~~ California Fire Code, Title 24, Part 9, and modifications thereof, see Chapter 15.44 of this title.
  10. ~~2019-2022~~ California Existing Building Code based on the ~~2018-2021~~ International Existing Building Code Edition, published by the International Code Council, together with those omissions,

amendments, exceptions and additions thereto as amended in Part 10 of the California Building Standards Code, California Code of Regulations Title 24.

11. ~~2019-2022~~ California Green Building Standards Code, Title 24, Part 11.
  12. ~~2019-2022~~ California Referenced Standards Code, Title 24, Part 12.
  - ~~13. 2019 California Residential Code Appendix H Patio Covers, Appendix J Existing Building and Structures, Appendix K Sound Transmission, and Appendix V Swimming Pool Safety Act.~~
  - ~~14. 2019 California Building Code Appendix G Flood Resistant Construction, Appendix I Patio Covers, and Appendix J Grading.~~
- B. The ~~2018-2021~~ International Property Maintenance Code is hereby adopted by reference and incorporated in this code.

### **15.04.043 Amendments to the California Building Standards Code**

The 2022 California Building Code (CBC), California Residential Code (CRC), and California Green Building Standards Code (CALGreen) are hereby amended as follows:

A. CBC Section 101.1 is amended to read as follows:

[A] 101.1 Title.

These regulations shall be known as the Building Code of the City of Brisbane, hereinafter referred to as "this code."

B. CBC Section 102.6.3 is added to read as follows:

[A] 102.6.3 Buildings or structures moved into city.

Any building or structure moved into the city, within the jurisdiction of the building official, shall meet the standards required by the construction codes for new buildings and structures.

C. CBC Section 102.7 is added to read as follows:

[A] 102.7 Additions, Alterations, and Major Rebuilds to Existing Buildings.

Additions, alterations, or repairs to any building or structure shall comply with the provisions set out in this code, except as otherwise required in Chapter 15.10 of Title 15.

D. CBC Section 103.1 is amended to read as follows:

[A] 103.1 Enforcement Agency.

The Community Development Department is the official in charge thereof and shall be known as the building official. The function of the agency shall be the implementation, administration, and enforcement of the provisions of this code.

E. Small Residential Rooftop Solar Permit Streamlining.

1. CBC Section 105.3.1.1 is added to read as follows:

105.3.1.1 Small Residential Rooftop Solar Permit Streamlining.

Any application for a building permit for small residential rooftop solar energy systems, as defined by Chapter 15.82 of this Title, is subject to the streamlined and inspection process established thereunder.

2. CRC Section R105.3.1.2 is added to read as follows:

R105.3.1.2 Small Residential Rooftop Solar Permit Streamlining.

Any application for a building permit for small residential rooftop solar energy systems, as defined by Chapter 15.82 of this Title, is subject to the streamlined and inspection process established thereunder.

F. Electric Vehicle Charging Station Permit Streamlining.

1. CBC Section 105.3.1.2 is added to read as follows:

105.3.1.2 Electric Vehicle Charging Station Permit Streamlining.

Any application for a building permit for electric vehicle charging stations, as defined by Chapter 15.86 of this Title, is subject to the streamlined process established thereunder.

2. CRC Section R105.3.1.3 is added to read as follows:

R105.3.1.3 Electric Vehicle Charging Station Permit Streamlining.

Any application for a building permit for electric vehicle charging stations, as defined by Chapter 15.86 of this Title, is subject to the streamlined process established thereunder.

G. CBC Section 109.4 is deleted in its entirety and replaced to read as follows:

[A] 109.4 Work commencing before permit issuance.

Any person who commences any work before obtaining the necessary permits shall be subject to a penalty fee established by the building official that is up to ten (10) times the amount of the required permit fee, in addition to the required permit fees.

The payment of penalty fees for commencing work without a permit shall not relieve any person from fully complying with the requirements of this code or the construction codes in the execution of the work; and the payment of such fees shall not relieve any person from any other fines or penalties that may be imposed pursuant to any other provisions of this title.

H. CBC Section 114.4 is amended to read as follows:

[A] 114.4 Violation penalties.

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters, or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code shall constitute a misdemeanor, punishable by the fines, penalties, and enforcement provisions set forth in Chapters 1.14, 1.16 and 1.18 of Title 1. The penalties set forth herein are cumulative and shall not preclude the imposition of any other fine or penalty otherwise permitted by law, including a penalty fee for commencing work without a permit as prescribed by this code.

I. CBC Section 1505.1.2 is amended to read as follows:

1505.1.2 Roof coverings within all other areas.

The entire roof covering of every existing structure where ten percent (10%) or more of the total roof area of a wood roof or fifty percent (50%) or more of the total roof area of a non-wood roof is replaced within any one (1) year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class C.

J. CALGreen Section 202 is amended to add definitions as follows:

**ALL-ELECTRIC BUILDING.** A building that contains no combustion equipment or plumbing for combustion equipment serving space heating (including fireplaces), water heating (including pools and spas), cooking appliances (including barbecues), and clothes drying, within the building or building property lines, and instead uses electric heating appliances for service.

**ELECTRIC HEATING APPLIANCE.** A device that produces heat energy to create a warm environment by the application of electric power to resistance elements, refrigerant compressors, or dissimilar material junctions, as defined in the California Mechanical Code.

**FUEL GAS.** A gas that is natural, manufactured, liquefied petroleum, or a mixture of these, as defined in the California Mechanical Code.

**FUEL GAS INFRASTRUCTURE.** Piping, other than service pipe, in or in connection with a building, structure or within the property lines of premises, extending from the point of delivery at the gas meter, service meter assembly, outlet of the service regulator, service shutoff valve, or final pressure regulator, whichever is applicable, as defined in the California Mechanical Code.

**LABORATORY.** A room, building or area where the use and storage of hazardous materials are utilized for testing, analysis, instruction, research or developmental activities in medical and life sciences. The building may include a combination of scientific work areas and the supporting offices.

K. CALGreen Section 4.106 is amended to include new subsections to read as follows:

**4.106.5 All-electric buildings.** New construction buildings and qualifying alteration projects shall comply with Section 4.106.5.1 or 4.106.5.2 so that they do not use combustion equipment or are ready to accommodate installation of electric heating appliances.

**4.106.5.1. New construction.** All newly constructed buildings shall be all-electric buildings.

**Exceptions:**

If the applicant establishes that there is not an all-electric prescriptive compliance pathway for the building under the California Building Energy Efficiency Standards, and that the building is not able to achieve the performance compliance standard applicable to the building under the Energy Efficiency Standards using commercially available technology and an approved calculation method, then the local enforcing agency may grant a modification. The applicant shall comply with Section 4.106.5.2.

Inactive Fuel Gas Infrastructure may be extended to spaces that are anticipated to qualify for the exceptions contained in this chapter. The inactive Fuel Gas Infrastructure shall not be activated, have a meter installed, or otherwise used unless the exemptions specified in this chapter have been confirmed as part of the issuance of a building permit. If the Fuel Gas Infrastructure is no longer serving one of the exceptions contained in this chapter, it shall either be capped, otherwise terminated, or removed by the entity previously entitled to the exemption, in a manner pursuant to all applicable Codes.

The City of Brisbane shall have the authority to approve alternative materials, design and methods of construction or equipment per California Building Code Section 104.

**4.106.5.2 Requirements for combustion equipment.** Where combustion equipment is allowed per Exceptions under 4.106.5.1, the construction drawings shall indicate electrical infrastructure and physical space accommodating the future installation of an electrical heating appliance in the following ways, as certified by a registered design professional or licensed electrical contractor:

1. Branch circuit wiring, electrically isolated and designed to serve all electrical heating appliances in accordance with manufacturer requirements and the California Electrical Code, including the appropriate voltage, phase, minimum amperage, and an electrical receptacle or junction box within five feet of the appliance that is accessible with no obstructions. Appropriately sized conduit may be installed in lieu of conductors; and

2. Labeling of both ends of the unused conductors or conduit shall be with “For Future Electrical Appliance”; and
  3. Reserved circuit breakers in the electrical panel for each branch circuit, appropriately labeled (i.e. “Reserved for Future Electric Range”), and positioned on the opposite end of the panel supply conductor connection; and
  4. Connected subpanels, panelboards, switchboards, busbars, and transformers shall be sized to serve the future electrical heating appliances. The electrical capacity requirements shall be adjusted for demand factors in accordance with the California Electric Code; and
  5. Physical space for future electrical heating appliances, including equipment footprint, and if needed a pathway reserved for routing of ductwork to heat pump evaporator(s), shall be depicted on the construction drawings. The footprint necessary for future electrical heating appliances may overlap with non-structural partitions and with the location of currently designed combustion equipment.
- L. CALGreen Section 5.106 is amended to include new subsections to read as follows:

**5.106.13 All-electric buildings.** New construction buildings and qualifying alteration projects shall comply with Section 5.106.13.1 or 5.106.13.2 so that they do not use combustion equipment or are ready to accommodate installation of electric heating appliances.

**5.106.13.1 New construction.** All newly constructed buildings shall be all-electric buildings.

**Exceptions:**

Laboratory areas within Non-Residential Buildings may contain non-electric Space Conditioning Systems. To take advantage of this exception, an applicant shall provide third party verification that the All-electric space heating requirement is not cost effective and feasible.

If the applicant establishes that there is not an all-electric prescriptive compliance pathway for the building under the California Building Energy Efficiency Standards, and that the building is not able to achieve the performance compliance standard applicable to the building under the Energy Efficiency Standards using commercially available technology and an approved calculation method, then the local enforcing agency may grant a modification. The applicant shall comply with Section 5.106.13.2

Inactive Fuel Gas Infrastructure may be extended to spaces that are anticipated to qualify for the exceptions contained in this chapter. The inactive Fuel Gas Infrastructure shall not be activated, have a meter installed, or otherwise used unless the exemptions specified in this chapter have been confirmed as part of the issuance of a building permit. If the Fuel Gas Infrastructure is no longer serving one of the exceptions contained in this chapter, it shall either be capped, otherwise terminated, or removed by the entity previously entitled to the exemption, in a manner pursuant to all applicable Codes.

The City of Brisbane shall have the authority to approve alternative materials, design and methods of construction or equipment per California Building Code Section 104.

**5.106.13.2 Requirements for combustion equipment.** Where combustion equipment is allowed per Exceptions under 5.106.13.1, the construction drawings shall indicate electrical infrastructure and physical space accommodating the future installation of an electrical heating appliance in the following ways, as certified by a registered design professional or licensed electrical contractor:

1. Branch circuit wiring, electrically isolated and designed to serve all electrical heating appliances in accordance with manufacturer requirements and the California Electrical Code, including the appropriate voltage, phase, minimum amperage, and an electrical receptacle or junction box within five feet of the appliance that is accessible with no obstructions. Appropriately sized conduit may be installed in lieu of conductors; and
2. Labeling of both ends of the unused conductors or conduit shall be with "For Future Electrical Appliance"; and
3. Reserved circuit breakers in the electrical panel for each branch circuit, appropriately labeled (i.e. "Reserved for Future Electric Range"), and positioned on the opposite end of the panel supply conductor connection; and
4. Connected subpanels, panelboards, switchboards, busbars, and transformers shall be sized to serve the future electrical heating appliances. The electrical capacity requirements shall be adjusted for demand factors in accordance with the California Electric Code; and
5. Physical space for future electrical heating appliances, including equipment footprint, and if needed a pathway reserved for routing of ductwork to heat pump evaporator(s), shall be depicted on the construction drawings. The footprint necessary for future electrical heating appliances may overlap with non-structural partitions and with the location of currently designed combustion equipment.

#### **15.04.047 Building permit fee.**

- A. A fee for each permit issued shall be paid to the building official as set forth in CBC Section 109.
- B. All development projects exceeding the size and valuation thresholds set forth in Chapter 15.85 of this Title shall make contributions to the Brisbane public art fund in the amounts specified thereunder.



Title 15 - BUILDINGS AND CONSTRUCTION  
Chapter 15.08 ORGANIZATION AND ENFORCEMENT

## **Chapter 15.08 ORGANIZATION AND ENFORCEMENT**

### **15.08.010 Building official—Defined.**

The term "building official" refers to the city manager of the city and his/her designated representative. The city manager, with the approval of the city council, may provide for building inspection services to be performed by contract with the county of San Mateo or other public or private agency. Whenever this code or the construction codes use the terms "administrative authority," "responsible official," "chief inspector," "code official" or "code enforcement officer" they shall mean the "building official" as defined in this section.

(Ord. No. 583, § 4, 5-19-14)

### **15.08.020 Building official—Responsibilities generally.**

The responsibilities of the building official are as set forth in Sections 15.08.030 through 15.08.100.

### **15.08.030 Building official—Enforcement authority.**

The building official is authorized and directed to enforce all the provisions of this code and the construction codes within the city.

### **15.08.040 Building official—Right of entry for inspection.**

- A. Whenever necessary to make an inspection to enforce any of the provisions of this code or the construction codes, or whenever the building official or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition which makes such building or premises unsafe, dangerous, or hazardous, the building official may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the building official; provided, that if such building or premises are occupied, he shall first present proper credentials and demand entry. If such building or premises are unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the building official shall have recourse to every remedy provided by law to secure entry.
- B. No owner or occupant or any other person having charge, care, or control of any building or premises shall fail or neglect, after proper demand is made as provided in subsection A of this section, promptly to permit entry therein by the building official for the purpose of inspection and examination pursuant to this code or the construction codes.

### **15.08.050 Building official—Work stop orders.**

- A. Whenever any building work or installation work is being done contrary to the provisions of this code and the construction codes, the building official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the building official to proceed therewith.
- B. If the person to whom the stop work order is directed fails to comply therewith, the building official may:
1. Request that the city council direct the city attorney to seek appropriate civil remedies to insure compliance;
  2. Request that the city attorney prosecute the person for a criminal violation of this code or the construction codes.

#### **~~15.08.060 Building official—Authority to order discontinuance of use upon noncompliance.~~**

~~Whenever any building or structure or equipment therein regulated by this code and the construction codes is being used contrary to the provisions thereof, the building official may order such use discontinued and the structure, or portion thereof, vacated by notice served on any person responsible for such use. Such person shall discontinue the use within ten (10) days after receipt of such notice or cause the structure, or portion thereof, to comply with the requirements of said codes.~~

#### **~~15.08.070 Building official—Authority to order discontinuance of utility service.~~**

~~The building official shall have the authority to disconnect or order discontinuance of any utility service or energy supply to buildings, structures, or equipment therein regulated by this code and the construction codes, in cases of emergency or where necessary for safety to life and property. Such utility service shall be discontinued until the equipment, appliances, devices, piping, or wiring found to be defective or defectively installed are removed or restored to a safe condition.~~

#### **~~15.08.080 Building official—Nonliability.~~**

~~Neither the city nor the building official shall be liable for any damages or injuries accruing to persons or property as a result of any act or omission by the building official in the discharge of his duties under this code or the construction codes.~~

#### **~~15.08.090 Building official—Assistance of other officials.~~**

~~The building official may request, and shall receive so far as may be necessary in the discharge of his duties, the assistance and cooperation of other officials and officers of public and private utilities.~~

#### **~~15.08.100 Building official—Account of fees and moneys collected.~~**

~~The building official shall keep a permanent, accurate account of all fees and other moneys collected and received under this code and the construction codes, the names of the persons upon whose account the same were paid, the date and amount thereof, together with the location of the building or premises to which they relate.~~

#### **~~15.08.110 Existing buildings.~~**

~~The provisions set forth in Sections 15.08.120 through 15.08.210 shall govern additions, alterations, and repairs to, and changes of use or occupancy in, existing buildings.~~

#### **~~15.08.120 Building or structure defined.~~**

~~For purposes of Sections 15.08.110 through 15.08.210, the terms "building" or "structure" include any heating, cooling, ventilating, or similar mechanical equipment or system, any electrical equipment or system, and any plumbing equipment or system governed by the construction codes.~~

#### **~~15.08.130 Additions, alterations or repairs—Compliance with construction codes.~~**

~~Any addition, alteration, or repair to, or change of use of, or occupancy in a building or structure shall comply with the provisions for new buildings and structures set out in the construction codes, except as may otherwise be provided in Chapter 15.10, Sections 15.08.180 through 15.08.210, and in Section 502 of the Uniform Building Code, latest adopted edition.~~

**~~15.08.140 Reserved.~~**

~~Editor's note(s)—Ord. No. 653, § 4, adopted Oct. 15, 2020, repealed § 15.08.140, which pertained to Additions or alterations in excess of fifty percent of floor area and derived from Ord. 243 § 1009(c), adopted in 1978; Ord. 411 § 1, adopted in 1997; Ord. 417 § 13, adopted in 1997; Ord. 451 § 1, adopted in 2000; Ord. No. 583, § 5, adopted May 19, 2014; and Ord. No. 613, § 4, adopted Jan. 5, 2017.~~

**~~15.08.145 Reserved.~~**

~~Editor's note(s)—Ord. No. 613, § 5, adopted January 5, 2017, repealed § 15.08.145, which pertained to additions, alterations or repairs—seismic safety and derived from Ord. No. 354, 1990.~~

**~~15.08.180 Replacement of roof coverings on existing buildings.~~**

~~Where ten percent (10%) or more of the roof area of a wood roof or fifty percent (50%) or more of the roof area of a non-wood roof will be replaced within any twelve (12) month period, the new roof covering shall comply with the requirements applicable to new buildings and structures.~~

**~~15.08.190 Continuance of existing uses—Certificate of occupancy required for changes.~~**

- ~~A.—Buildings or structures in existence at the time of the passage of this code may continue in their existing use or occupancy, if such use or occupancy was legal at the time of passage, provided such continued use is not dangerous to life.~~
- ~~B.—No change in the character of occupancy or use of a building or structure shall be made without a certificate of occupancy. The building official may issue a certificate of occupancy without certifying that the building complies with all the provisions of these codes, so long as he finds doing so will not endanger life.~~

**~~15.08.200 Reserved.~~**

~~Editor's note(s)—Ord. No. 583, § 6, adopted May 19, 2014, repealed § 15.08.200, which pertained to maintenance of buildings and structures and derived from Ord. No. 243, 1978.~~

**~~15.08.210 Compliance of buildings or structures moved into city.~~**

~~Any building or structure moved into the city, within the jurisdiction of the building official, shall meet the standards required by the construction codes for new buildings and structures.~~

**~~15.08.220 Reserved.~~**

~~Editor's note(s)—Ord. No. 583, § 7, adopted May 19, 2014, repealed § 15.08.220, which pertained to unsafe buildings—generally and derived from Ord. No. 243, 1978.~~

**~~15.08.230 Reserved.~~**

~~Editor's note(s)—Ord. No. 583, § 8, adopted May 19, 2014, repealed § 15.08.230, which pertained to unsafe buildings—defined—nuisance declared—abatement and derived from Ord. No. 243, 1978.~~

**~~15.08.240 Reserved.~~**

~~Editor's note(s)—Ord. No. 583, § 9, adopted May 19, 2014, repealed § 15.08.240, which pertained to unsafe buildings—unsanitary plumbing systems declared nuisance and derived from Ord. No. 243, 1978.~~

**~~15.08.250 Reserved.~~**

~~Editor's note(s)—Ord. No. 583, § 10, adopted May 19, 2014, repealed § 15.08.250, which pertained to unsafe buildings—dangerous electrical systems declared nuisance and derived from Ord. No. 243, 1978.~~

**~~15.08.260 Reserved.~~**

~~Editor's note(s)—Ord. No. 583, § 11, adopted May 19, 2014, repealed § 15.08.260, which pertained to unsafe buildings—unsafe appendages declared nuisance and derived from Ord. No. 243, 1978.~~

**~~15.08.270 Reserved.~~**

~~Editor's note(s)—Ord. No. 583, § 12, adopted May 19, 2014, repealed § 15.08.270, which pertained to unsafe buildings—order by building official to discontinue use and derived from Ord. No. 243, 1978.~~

**~~15.08.280 Violation—Penalty.~~**

- ~~A.—It is unlawful for any person to erect, install, construct, enlarge, alter, repair, move, improve, remove, replace, convert, equip, use, occupy, maintain or demolish any building, structure or equipment therein regulated by this chapter or the construction codes, or cause the same to be done, contrary to or in conflict with or in violation of any of the provisions of this chapter or said codes.~~
- ~~B.—The violation of any of the provisions of this chapter or the construction codes shall constitute a misdemeanor, punishable by the fines, penalties and enforcement provisions set forth in Chapters 1.14, 1.16 and 1.18 of this code. The penalties set forth herein are cumulative and shall not preclude the imposition of any other fine or penalty otherwise permitted by law, including a penalty fee for commencing work without a permit as prescribed by Section 15.12.150 of this title.~~

Title 15 - BUILDINGS AND CONSTRUCTION  
Chapter 15.12 PERMITS AND FEES

## Chapter 15.12 PERMITS AND FEES

### 15.12.010 Permits—Required.

- A. ~~Permits Required. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building or structure regulated by this code, except as specified in subsection B of this section, or cause the same to be done without first obtaining a separate permit for each building or structure from the building official.~~
- B. ~~Exempted Work. A building permit will not be required for the following:~~
- ~~1. One-story detached accessory buildings used as tool and storage sheds, playhouses and similar uses, provided the projected roof area does not exceed one hundred twenty (120) square feet.~~
  - ~~2. Fences not over six (6) feet high.~~
  - ~~3. Oil derricks.~~
  - ~~4. Cases, counters and partitions not over five (5) feet high.~~
  - ~~5. Retaining walls which are not over four (4) feet in height measured from the bottom of the footing to the top of the wall unless supporting a surcharge or impounding flammable liquids.~~
  - ~~6. Water tanks supported directly upon grade if the capacity does not exceed five thousand (5000) gallons and the ratio of height to diameter or width does not exceed two to one.~~
  - ~~7. Platforms, walks and driveways not more than thirty (30) inches above grade and not over any basement or story below.~~
  - ~~8. Painting, papering and similar finish work.~~
  - ~~9. Temporary motion picture, television and theater stage sets and scenery.~~
  - ~~10. Window awnings supported by an exterior wall of Group R, Division 3, and Group M Occupancies when projecting not more than fifty-four (54) inches.~~
  - ~~11. Prefabricated swimming pools accessory to a Group R, Division 3 Occupancy in which the pool walls are entirely above the adjacent grade and if the capacity does not exceed five thousand (5000) gallons.~~

~~Unless otherwise exempted by this code, separate plumbing, electrical and mechanical permits will be required for the above exempted items.~~

~~Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.~~

### 15.12.020 Permits—Application.

~~To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished for that purpose. Every such application shall:~~

- ~~A. Identify and describe the work to be covered by the permit for which application is made;~~
- ~~B. Describe the land on which the proposed work is to be done, by lot, block, and tract, and house and street address, or similar description that will readily identify and designate with reasonable certainty the proposed building or work;~~
- ~~C. Indicate the use or occupancy for which the proposed work is intended;~~

- D. — Be signed by the permittee, or his authorized agent, together with evidence as required to indicate such authority;
- E. — Be accompanied by plans, diagrams, computations, specifications, and other data as required;
- F. — Give such other information as reasonably may be required by the building official.

#### **15.12.030 Plans and other data—Generally.**

Plans and other data may be required by the building official in accordance with the provisions of Sections 15.12.040 through 15.12.110.

#### **15.12.040 Plans and other data—Submittal with permit application.**

For enforcement of any provisions of this code or construction codes, plans, diagrams, and other data shall be submitted in two (2) sets with each application for a permit.

#### **15.12.050 Plans and other data—Preparation by licensed engineer or architect.**

The building official may require the plans and other data to be prepared and designed by an engineer or architect licensed by the state to practice as such.

#### **15.12.060 Plans and other data—Specifications.**

Plans and other data shall be drawn to scale upon substantial paper and shall be of sufficient clarity to indicate the nature and extent of the work proposed and shall show in detail that the building, structure, or system will conform to the provisions of this code and the construction codes and all relevant laws, ordinances, rules and regulations. The first sheet of each set of building plans shall give the street address of the work and the name and address of the owner or his lessee and person who prepared them. Building plans shall also include a plot showing the location of the proposed building and of every existing building on the property. In lieu of detailed specifications, the building official may approve references on the plans to specific sections or parts of said codes of other ordinances or laws.

#### **15.12.070 Plans and other data—Environmental heating or cooling systems, absorption systems, ventilation systems and hoods.**

Plans or specifications for the installation of environmental heating or cooling systems, absorption systems, ventilation systems and hoods shall show the following:

- A. — Layout for each floor with dimensions of all work spaces and a legend of all symbols used;
- B. — Location, size, and materials of all piping;
- C. — Location, size, and materials of all air ducts, air inlets, and air outlets;
- D. — Location of all fans, warm air furnaces, boilers, absorption units, refrigerant compressors, and condensers, and the weight of all pieces of such equipment weighing two hundred (200) pounds or more;
- E. — Rated capacity or horsepower of all boilers, warm air furnaces, heat exchangers, blower fans, refrigerant compressors and absorption units;
- F. — Location, size, and material of all combustion products, vents, and chimneys;
- G. — Location and area of all ventilation and combustion air openings and ducts;
- H. — Location of all air dampers and fire shutters.

**15.12.075 Plans and other data—Street improvement plans.**

For any undeveloped lot which is on an unimproved street or on a street for which, in the opinion of the city engineer, additional or future street improvements can be anticipated, the following information shall be provided for any application for a building permit:

- A. — A precise plot plan showing existing topography, boundary lines, location of structures, finished grades, and utility services;
- B. — A street improvement plan prepared by a registered civil engineer, showing grades and dimensions, existing and proposed retaining walls, and indicating that the driveway will function properly and adequately tie into the existing roadbed, based on the vertical and horizontal alignment as approved by the city engineer, consistent with the standards adopted by the city;
- C. — Prior to beginning any construction, the applicant for a building permit shall submit a certification by a registered civil engineer or licensed land surveyor that the property corners have been set;
- D. — Prior to issuance of the occupancy permit, an "as-built" street plan shall be submitted to the city, certified by the civil engineer responsible for the plan.

**15.12.080 Plans and other data—Computations, stress diagrams and other data required by building official.**

Computations, stress diagrams, and other data sufficient to show the correctness of the plans, shall be submitted when required by the building official. Plans for buildings more than two (2) stories in height of other than conventional construction shall indicate how required structural integrity and fire resistance will be maintained where a penetration will be made for electrical, mechanical, plumbing, and communications conduits, pipes, and similar systems.

**15.12.090 Plans and other data—Distribution of copies.**

One set of approved plans, computations, and data shall be retained by the building official for a period of not less than ninety (90) days from date of completion of the work covered therein, and one set of approved plans and data shall be returned to the applicant, which set shall be kept on such building or work at all times during which the work authorized thereby is in progress.

**15.12.100 Plans and other data—Submittal not required when.**

When authorized by the building official, plans or other data need not be submitted for the following:

- A. — One-story buildings of conventional wood-stud construction with an area not exceeding six hundred (600) square feet;
- B. — Work which, in the determination of the building official, is small and unimportant.

**15.12.110 Plans and other data—Not accepted when illegible or incomplete.**

The building official need not accept plans or other data which are not legible and complete or do not conform with the provisions of Sections 15.12.030 through 15.12.100.

**15.12.120 Effect of issuance of permits or approval of plans.**

- A. — The issuance or granting of any permit or approval of plans or other data shall not be construed to be a permit for, nor an approval of, any violation of any of the provisions of this code or the construction codes.

- B. ~~The issuance of a permit based upon plans and other data shall not prevent the building official from thereafter requiring the correction of errors in the plans and data or from preventing building operations being carried on thereunder when the plans or data are in violation of this code, of the construction codes, or of any other applicable statute, ordinance, rule or regulation.~~
- C. ~~The issuance or granting of a permit or approval of plans shall not prevent the building official from revoking any certificate of approval which has been issued in error.~~

#### **~~15.12.130 Permits—Extensions, expiration.~~**

~~Every permit issued by the building official under the provisions of this code shall expire and become null and void if the building or work authorized by such permit is not commenced within twelve (12) months from the date of issuance of such permit unless the permittee, prior to the expiration of the permit, has applied to the building official to extend the permit, or if the building or work authorized by such permit is suspended or abandoned for a period of twelve (12) months at any time after work is commenced. The following applies to requests to extend permits and permits that have expired:~~

- A. ~~The building official is authorized to grant one or more extensions of up to one hundred eighty days (180) days per extension to any building permit, based upon a finding, in the sole determination of the building official, that there are justifiable reasons for postponement or delay of the work.~~
- B. ~~Where a building permit has expired, such work may nevertheless be recommenced following the building official's issuance of a new building permit for the work. Upon request, the fee for such reissuance shall be one half the amount required for a new permit for such work; provided, that no changes have been made or will be made in the original plans or scope of such work; and, provided further, that such suspension or abandonment has not exceeded eighteen (18) months. The building official may, at his or her discretion, waive the fee where delay in commencing work or the suspension of work has been caused by a natural disaster. Any reduction in fee in this subsection does not preclude the requirement to comply with state building code updates adopted prior to the date of re-application.~~

#### **~~15.12.140 Permits—Suspension and revocation.~~**

~~The building official may, in writing, suspend or revoke a permit issued under provisions of this code or the construction codes whenever the permit is issued in error or on the basis of incorrect information supplied, or is in violation of any ordinance or regulation or any of the provisions of said codes.~~

#### **~~15.12.150 Penalty fee for commencing work without permit.~~**

- A. ~~Whenever any construction or work for which a permit is required by this code or the construction codes is commenced without the prescribed permits having been first obtained, a penalty fee of ten (10) times the amount of the required permit fee shall be paid, in addition to the permit fee. The penalty fee shall in no event exceed a maximum of ten thousand dollars (\$10,000.00). Notwithstanding the foregoing, if the person performing the construction work is the property owner and the valuation of the work does not exceed one thousand dollars (\$1,000.00), the penalty shall be one times the amount of the required permit fee in addition to the permit fee.~~
- B. ~~The payment of penalty fees for commencing work without a permit shall not relieve any person from fully complying with the requirements of this code or the construction codes in the execution of the work; and the payment of such fees shall not relieve any person from any other fines or penalties that may be imposed pursuant to any other provisions of this title.~~



**~~15.12.160 Building permit—Issuance procedure.~~**

- ~~A.—The building official shall issue building permits in accordance with the procedure set forth in Sections 15.12.170 through 15.12.200.~~
- ~~B.—Issuance of building permits for installation of small residential rooftop solar energy systems, as defined in Chapter 15.82 of this title, shall conform to the requirements of the solar streamlining policy on file with the community development department.~~
- ~~C.—Issuance of building permits for installation of electric vehicle charging stations shall conform with Chapter 15.86 of this title.~~

**~~15.12.170 Building permit—Application—Conditions of issuance.~~**

- ~~A.—Application, plans, and specifications filed by an applicant for a permit to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure governed by the Uniform Building Code, latest adopted edition, and by the supplements thereto, or to cause the same to be done, shall be checked by the building official. Such plans may be reviewed by the planning commission, environmental health officer, engineer, and by other departments of the city and by other public agencies having jurisdiction over such proposed erection, construction, enlargement, alteration, repair, move, improvement, removal, conversion, or demolition. The building official may refuse to issue a permit until any such city department or public agency having such jurisdiction has given its approval of the work to be performed.~~
- ~~B.—If the building official is satisfied that the work described in the application for a permit and the plans therewith conform with the requirements of this code, the Uniform Building Code, latest adopted edition, together with supplements thereto, the other construction codes, and other pertinent laws and ordinances, and that the fee specified in Sections 15.12.240 and 15.12.250 has been paid, he shall issue a permit for such work to the applicant.~~

**~~15.12.180 Building permit—Endorsement by building official.~~**

~~When the building official issues the permit, he shall endorse in writing or stamp on both sets of plans and specifications "APPROVED." Such approved plans and specifications shall not thereafter be changed, modified, or altered without written authorization by the building official. All work shall be done in accordance with the approved plans and specifications.~~

**~~15.12.190 Building permit—Partial construction.~~**

~~The building official may issue a permit for the construction of part of a building or structure before the entire plans and specifications for the whole building or structure have been submitted or approved; provided, that adequate information and detailed statements concerning such part of the building or structure have been filed and comply with all pertinent requirements of this code. The holder of such permit for partial construction shall proceed at his own risk without assurance that the permit for the entire building or structure will be granted.~~

**~~15.12.200 Building permit—Fee.~~**

~~A fee for each permit issued shall be paid to the building official as set forth in Section 15.12.240.~~

**~~15.12.210 Mechanical, electrical and plumbing permits—Issuance procedure.~~**

~~The building official shall issue mechanical, electrical, and plumbing permits in accordance with the procedure set forth in Sections 15.12.220 through 15.12.230.~~

### **~~15.12.220 Mechanical, electrical and plumbing permits—Application—Conditions of issuance.~~**

- A. ~~The application and any required plan and data filed by an applicant for a mechanical, electrical, or plumbing permit shall be checked by the building official. If the building official is satisfied that the work described and the application conform to the requirements, respectively, of the Uniform Mechanical Code, latest adopted edition, the National Electrical Code, latest adopted edition, and the Uniform Plumbing Code, latest adopted edition, the supplements thereto, and other pertinent laws and ordinances, and that the fee specified in Section 15.12.240 has been paid, he shall issue a permit therefor to the applicant.~~
- B. ~~The building official may issue a working, maintenance, or interim permit to a qualified applicant where he is satisfied that the full scope of the proposed work is unknown at the time of application and further that adequate information and statements have been filed indicating compliance with the requirement of said codes. All such interim permits issued shall be supplemented by a regular permit as the scope of the work in progress becomes known.~~

### **~~15.12.230 Mechanical, electrical and plumbing permits—Fee.~~**

~~A fee for each permit issued shall be paid to the building official as set forth in Section 15.12.240.~~

### **~~15.12.240 Fees set by resolution of the city council.~~**

~~The amount of fees required to be paid pursuant to the provisions of this title and the construction codes shall be established from time to time by resolution of the city council. Any reference in this chapter to Section 15.12.250 shall be construed as being a reference to this Section 15.12.240.~~

### **~~15.12.270 Plan check fees.~~**

- A. ~~Whenever plans or other data are required to be checked to verify compliance with provisions of the construction codes before issuance of a permit under this code, plan checking fees shall be charged as follows:~~
- ~~1. The plan check fee for a residential (Group F) permit shall be forty percent (40%) of the permit fee.~~
  - ~~2. The plan check fee for all other permits shall be sixty percent (60%) of the permit fee.~~
- ~~All plan check fees shall in no event be less than twenty five dollars (\$25.00) and shall be paid in addition to the permit fees.~~
- B. ~~Applications for which no permit is issued within one hundred eighty (180) days following the date of application shall expire by limitation and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding one hundred eighty (180) days upon request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.~~

### **~~15.12.280 Public art fund fees.~~**

~~All development projects exceeding the size and valuation thresholds set forth in Chapter 15.85 shall make contributions to the Brisbane public art fund in the amounts specified in Chapter 15.85.~~

### **~~15.12.290 Violation—Penalties.~~**

~~The violation of any of the provisions of this chapter shall constitute a misdemeanor, punishable by the fines, penalties and enforcement provisions set forth in Chapters 1.14, 1.16 and 1.18 of this code. Such fines, penalties~~

~~and enforcement provisions are cumulative and shall be in addition to any other enforcement remedies specified in this chapter.~~

Title 15 - BUILDINGS AND CONSTRUCTION  
Chapter 15.16 INSPECTIONS

## **Chapter 15.16 INSPECTIONS**

### **15.16.010 Requirement.**

All construction, work, and equipment for which a permit is required by this code or the construction codes shall be subject to inspections by the building official, and certain types of construction shall have continuous inspection by special inspectors, as specified in this chapter.

### **15.16.020 Types.**

Among the principal types of inspections required by this code and the construction codes are the following:

- A. — Foundation inspection;
- B. — Frame inspection;
- C. — Lath or wallboard inspection;
- D. — Final inspection.

### **15.16.030 Time of occurrence for certain inspections.**

Inspections shall be made as follows:

- A. — Inspections other than those listed in subsection B of this section shall be made in accordance with the following principles:
  - 1. — That portion of any construction, work, and equipment intended to be concealed by any permanent portion of the building shall not be concealed until inspected and approved.
  - 2. — When any construction, work, or equipment is complete, a second or final inspection shall be made.
- B. — The inspections listed below shall be made at the times described:
  - 1. — A foundation inspection shall be made after trenches are excavated and forms erected and when all materials for the foundation are delivered on the job. Where concrete from a central mixing plant (commonly termed "transit mixed") is to be used, materials need not be on the job.
  - 2. — A frame inspection shall be made after the roof, all framing, fire blocking, and bracing are in place and all pipes, chimneys, and vents are complete.
  - 3. — A lath and/or wallboard inspection shall be made after all lathing and/or wallboard interior and exterior is in place, but before any plastering is applied or before wallboard joints and fasteners are taped and finished.
  - 4. — A final inspection shall be made after the building is completed and ready for occupancy.

### **15.16.040 Liability for certain expenses.**

The building official shall not be liable for any expense entailed in the removal or replacement of any material required to allow an inspection.

### **15.16.050 Connection to power supply.**

No construction, work, and equipment regulated by these codes shall be connected to any energy, fuel, or power supply until authorized by the building official.

**15.16.060 Requests for inspection.**

- A. ~~The building official, upon notification from the permit holder or his agent, shall make appropriate inspections and shall either approve that portion of the construction, work, or equipment as complete, or shall notify the permit holder or his agent that the same fails to comply with the uniform construction administration code or the construction codes.~~
- B. ~~The building official may require that every request for inspection be filed at least one (1) day before such inspection is desired. Such request may be in writing or by telephone at the option of the building official.~~
- C. ~~It shall be the duty of the person requesting any inspection to provide access to and means for proper inspection.~~

**15.16.070 Posting of inspection record card.**

~~Work requiring a building permit shall not be commenced until the permit holder or his agent shall have posted an inspection record card in a conspicuous place on the front of the premises and in such position as to allow the building official conveniently to make the required entries thereon regarding inspection of the work. This card shall be maintained in such position by the permit holder until the building or structure is completed, and ready for occupancy.~~

**15.16.080 Approval to proceed with construction.**

~~No work shall be done on any part of the building or structure beyond the point indicated in each successive inspection without first obtaining the written approval of the building official. Such written approval shall be given only after an inspection shall have been made of each successive step in the construction as indicated by each of the inspections required in this chapter.~~

**15.16.090 Final inspection and approval.**

~~There shall be a final inspection and approval on all buildings when completed and ready for occupancy. A final inspection approval may, upon notice, be revoked by the building official if he finds that any construction, work, or equipment fails in any respect to comply with the requirements of these codes, or that the installation is unsafe, dangerous, or a hazard to life or property.~~

**15.16.100 Other inspections.**

~~The building official may require such other inspection as described in this section:~~

- A. ~~A survey of any lot may be required by the building official to verify compliance with approved plans.~~
- B. ~~In addition to the inspections specified above in this chapter, the building official may make or require any other inspections of any construction work to ascertain compliance with the provisions of this code, the construction codes, and other applicable laws enforced by the city.~~

**15.16.110 Reinspections.**

~~The building official shall make reinspections as provided in this section and may charge such fees therefor as authorized in this section.~~

- A. ~~Where an inspection has found any work or construction to be incomplete or not to conform with this code and the construction codes, a reinspection is required.~~
- B. ~~To obtain a reinspection the applicant shall file an application therefor in writing upon a form furnished for that purpose and pay the reinspection fee assessed, if any.~~
- C. ~~A reinspection fee may be assessed by the building official where the reinspection is made necessary by:~~

1. — A failure to post the permit card properly on the work site;
  2. — The unavailability to the inspector of the approved plans;
  3. — A failure to provide access to the inspector on the date for which the inspection is requested;
  4. — Unauthorized deviation from plans;
  5. — Request for inspection made prior to the time the work to be inspected is complete;
  6. — A failure to make the corrections called for on previous inspections.
- D. — Where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

### **15.16.120 Special inspections—Authorized.**

Notwithstanding the procedure set out in Section 15.16.060, the building official may authorize special inspections in accordance with the provisions set forth in Sections 15.16.130 through 15.16.170.

### **15.16.130 Special inspections—Required when.**

The building official may require the owner to employ a special inspector in connection with the following work:

- A. — During the taking of concrete test specimens and placing of all reinforced concrete and pneumatically placed concrete. Exempt herefrom are the following:
  1. — Concrete for foundations conforming to minimum requirements of Table 29-A of the Uniform Building Code, latest adopted edition, and for Group I and Group J, Division 1 Occupancies, provided the building official finds no special hazards exist;
  2. — Concrete for foundations, when the structural design is based on a  $f_c$  no greater than two thousand (2,000) psi;
  3. — Nonstructural slabs on grade, including prestressed slabs on grade when effective prestress in concrete is less than one hundred fifty (150) pounds per square inch;
  4. — Site work concrete fully supported on earth and concrete where no special hazard exists;
- B. — Ductile moment-resisting concrete frames as required by Section 2626(h) of the Uniform Building Code, latest adopted edition;
- C. — During the stressing and grouting of prestressed concrete and during the placing of reinforcing steel, placing of tendons and prestressing steel for all concrete; the inspection of steel placement can be by periodic inspection as defined in Section 15.16.160;
- D. — All structural welding, including welding of reinforcing steel; ductile moment-resisting steel frames shall be inspected as required by Section 2722(g) of the Uniform Building Code, latest adopted edition. The building official may exempt from special inspection structural welding:
  1. — When such welding is done in an approved fabricator's shop;
  2. — Flood and deck welding and welded studs when used for structural diaphragm or composite systems with the approval of the building official. Such welding may be inspected periodically in accordance with Section 15.16.150. For periodic inspection, the inspector shall check qualifications of welders at start of work and then make final inspection of all welds prior to completion of welding;
- E. — During all bolt installations and tightening operations of high-strength bolts. The special inspector need not be present during the entire installation and tightening operation, provided:

1. ~~He has inspected the surfaces and bolt type for conformance to plans and specifications prior to start of bolting, and~~
  2. ~~He will upon completion of all bolting verify the minimum specified bolt tension for ten percent (10%) of the bolts for each type of connection, for a representative sample of total connections established by the plans and specifications; provided, however, that:
 
    - a. ~~In bearing type connections when threads are not required by design to be excluded from the shear plane, inspection prior to or during installation shall not be required, and~~
    - b. ~~When bolting is done by an approved fabricator's shop, special inspection shall not be required;~~~~
- F. ~~During preparation of masonry wall prisms, sampling and placing of all masonry units, placement of reinforcement, inspection of grout space immediately prior to closing of cleanouts, and during all grouting operations. Where the fm is less than two thousand six hundred (2,600) psi and special inspection stresses are used, test specimens may consist of either one prism test for each five thousand (5,000) square feet of wall area or a series of tests based on both grout and mortar for the first three (3) consecutive days and each third day thereafter. Special inspection will not be required for structures designed in accordance with the values in appropriate tables of Chapter 24 of the Uniform Building Code, latest adopted edition;~~
- G. ~~When cast in place Class B gypsum concrete is being mixed and placed;~~
- H. ~~During the application of insulating concrete fill when used as part of a structural system. The special inspection may be limited to an initial inspection to check the deck surface and placement of reinforcing. The special inspector shall supervise the preparation of compression test specimens during this initial inspection;~~
- I. ~~During driving and testing of piles and construction of cast in place drilled piles or caissons;~~
- J. ~~During earthwork excavations, grading and filling operations, inspection to satisfy requirements of Chapter 29 and Chapter 70 (Appendix) of the Uniform Building Code, latest adopted edition, must be provided;~~
- K. ~~Any work which, in the opinion of the building official, involves unusual hazards.~~

#### **15.16.140 Special inspections—Qualifications and responsibilities of inspector.**

- A. ~~The person making such special inspection shall be someone other than the contractor or an employee of the contractor, who is qualified to perform such special inspection and who shall demonstrate his competence, to the satisfaction of the building official, for inspection of the particular type of construction or operation requiring special inspection.~~
- B. ~~Such inspector shall observe the work assigned to be certain it conforms to the design drawings and specifications.~~
- C. ~~Such inspector shall furnish inspection reports to the building official, the engineer or architect of record and other designated persons. All discrepancies shall be brought to the immediate attention of the contractor for correction, then, if uncorrected, to the proper design authority and to the building official.~~
- D. ~~Such inspector shall submit a final signed report stating whether the work requiring special inspection was, to the best of his knowledge, in conformance with the approved plans and specifications and the applicable workmanship provisions of the construction codes.~~

#### **15.16.150 Special inspections—Waiver of requirement.**

~~The building official may waive the requirement for such special inspection if he finds that the construction is of minor nature.~~

**~~15.16.160 Special inspections—Performed periodically.~~**

~~Such inspections may be done on a periodic basis and still satisfy the requirement of continuous inspection; provided, such periodic inspection is performed as outlined in the project plans and specifications and approved by the building official.~~

**~~15.16.170 Special inspections—Exemption of fabricators.~~**

~~A. —Special inspections required by Sections 15.16.120 through 15.16.160 shall not be required where the work is done on the premises of a fabricator registered and approved by the building official to perform such work without special inspection. The certificate of registration shall be subject to revocation by the building official if it is found that any work done pursuant to the approval is in violation of this code or the construction codes. Such fabricator shall submit to the building official and to the engineer or architect of record a certificate of compliance that the work was performed in accordance with the approved plans and specifications. The approval by the building official of a person as a fabricator under this section is conditional upon the following:~~

- ~~1. —Development and submission by such person of a detailed fabrication procedural manual reflecting key quality control procedures which will provide a basis for inspection control of workmanship and the fabricator plant;~~
- ~~2. —Verification of the fabricator's quality control capabilities, plant and personnel as outlined in the fabrication procedural manual by an approved inspection or quality control agency;~~
- ~~3. —Periodic plant inspections conducted by an approved inspection or quality control agency to monitor the effectiveness of the quality control program.~~

~~B. —It shall be the responsibility of the inspection or quality control agency to notify the building official in writing of any change to the procedural manual. Any fabricator approval may be revoked for just cause. Reapproval of the fabricator shall be contingent on compliance with quality control procedures during the past year.~~



Title 15 - BUILDINGS AND CONSTRUCTION  
Chapter 15.20 CERTIFICATES OF OCCUPANCY

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## **~~Chapter 15.20 CERTIFICATES OF OCCUPANCY~~**

### **~~15.20.010 Required.~~**

~~No building or structure shall be used or occupied and no change in the existing occupancy classification of a building or structure, or portion thereof, shall be made until the building official has issued a certificate of occupancy therefor as provided in this chapter.~~

### **~~15.20.020 Issuance—Contents.~~**

~~After final inspection, when it is found that the building or structure complies with the provisions of this code, the construction codes, and other applicable laws, the building official shall issue a certificate of occupancy which shall contain the following:~~

- ~~A.—The building permit number;~~
- ~~B.—The address of the building;~~
- ~~C.—The name and address of the owner;~~
- ~~D.—A description of that portion of the building for which the certificate is issued;~~
- ~~E.—A statement that the described portion of the building complies with the requirements of said codes for group and division of occupancy and the use for which the proposed occupancy is classified;~~
- ~~F.—The name of the building official.~~

### **~~15.20.030 Temporary certificate.~~**

~~A temporary certificate of occupancy may be issued by the building official for the use of a portion or portions of a building or structure.~~

### **~~15.20.040 Posting.~~**

~~The certificate of occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the building official.~~

Title 15 - BUILDINGS AND CONSTRUCTION  
Chapter 15.44 FIRE PREVENTION CODE

**15.44.040 Section 105.~~7.17.6.25~~ added—Permit fees.**

Section 105.~~6.257-17~~ is added to the fire code, to read as follows:

105.~~6.257-17~~ Permit fees. The Fire Department shall be authorized to charge such fees and costs for services performed pursuant to the Fire Code as may be established from time to time by ordinance or resolution of the City Council.

**15.44.130 Section ~~709-710~~ added—Roof coverings.**

Section ~~709-710~~ is added to the fire code, to read as follows:

~~71099~~ Roof coverings. Roof coverings on all buildings shall be fire retardant non-wood materials and shall comply with the standards of the California Building Code, Class A or B, prepared or built-up roofing. Re-roofing of existing buildings which occurs within any twelve (12) month period shall comply with the foregoing requirement if the re-roofing involves fifty percent (50%) or more of the roof area in the case of a non-wood roof or ten percent (10%) or more of the roof area in the case of a wood roof.

**15.44.150 Section 5601.~~1.62~~ amended—General.**

Section 5601.~~1.62~~ of the fire code is amended by adding the following paragraph at the end of said section:

The storage of explosives and blasting agents is prohibited in all areas of the City, except that the Fire Marshal may grant a permit to allow such storage if the Fire Marshal determines, in each case, that the storage is required for the conduct of a lawful use upon the property, will not constitute a safety hazard, and will otherwise comply with all applicable provisions of this Code and all other ordinances, rules and regulations of the City. The Fire Marshal may impose such conditions and requirements upon the issuance of the permit as the Fire Marshal deems necessary or appropriate.

**15.44.190 Section 903.2.~~221~~ added—Sprinkler protection of car stackers.**

Section 903.2.~~221~~ of the fire code is added to read:

Sections 903.2.~~221~~ Purpose: To establish requirements for sprinkler protection of car stackers not specifically addressed in NFPA 13.

Section 903.2.~~21-2~~- Car Stackers

Parking garage areas containing car stackers shall be protected by an automatic wet-pipe sprinkler system designed to Extra Hazard Group ~~1~~ 2. In addition, non-extended coverage standard sidewall sprinklers listed for Ordinary Hazard shall be provided under each parking level, including the bottom level if the stacker is provided with a pit. Each sidewall sprinkler shall cover an area of 80 sq. ft. or less.

The area of application may be reduced from the required 2500 sq. ft. to as low as 1500 sq. ft. if

1. 1-hour fire rated walls are provided to separate the car stacker areas from the standard parking stalls,
2. The car stacker areas are divided up into 1500 sq. ft. areas via 1-hour fire rated walls, and
3. One-hour fire rated walls are provided to separate the car stacker areas from any other areas in the garage.

One-hour fire rated walls are not required in the driveway areas. For the hydraulic calculation, flow from all sprinklers, upright or pendent sprinklers at ceiling and all sidewall sprinklers at all levels, located in the area of application shall be included in the calculation.

**15.44.193 Amendment to Appendix D of Section D101—Definition—Fire apparatus access road.**

Appendix D of the Fire Code is amended by adding Section D101.2 to read as follows:

D101.2—Definition Fire Apparatus Access Road. A road that provides fire apparatus access from a fire station to at facility, building or portion thereof. This is a general term inclusive of all other terms such as but not limited to fire lane, public street, private street, parking lot lane, access roadway and driveway.

**15.44.197 Amendment to Appendix D of Section D102—Access road exceptions.**

An Exception is added to Appendix D of Section D102 of the fire code to read as follows:

Exception: When a fire department access road cannot be installed due to location on the property, topography, waterways, nonnegotiable grades, or other similar conditions the authority having jurisdiction shall be authorized to require fire protection features in addition to those already required.

**~~15.44.230 Amendment to Appendix D of Section D102—Access road exceptions.~~**

~~An Exception is added to Appendix D of Section D102 of the fire code to read as follows:~~

~~Exception: When a fire department access road cannot be installed due to location on the property, topography, waterways, nonnegotiable grades, or other similar conditions the authority having jurisdiction shall be authorized to require fire protection features in addition to those already required.~~

**~~15.44.240 Amendment to Appendix D of Section D101—Definition—Fire apparatus access road.~~**

~~Appendix D of the Fire Code is amended by adding Section D101.2 to read as follows:~~

~~D101.2—Definition Fire Apparatus Access Road. A road that provides fire apparatus access from a fire station to at facility, building or portion thereof. This is a general term inclusive of all other terms such as but not limited to fire lane, public street, private street, parking lot lane, access roadway and driveway.~~

Title 15 - BUILDINGS AND CONSTRUCTION  
Chapter 15.81 ONSITE ENERGY GENERATION

## **Chapter 15.81 ONSITE ENERGY GENERATION**

### **15.81.010 Title.**

This chapter shall be known as the ~~City of Brisbane Onsite Energy Generation Ordinance.~~

### **15.81.020 Authority.**

The building official or the building official's designee shall have the authority to enforce the provisions of this chapter.

### **15.81.030 Coordination with state energy regulations.**

This chapter does not replace the most recent edition of the Building Energy Efficiency Standards for Residential and Non-residential Buildings, Title 24, Part 6 of the California Code of Regulation as adopted by the city in Chapter 15.04 of this Title, ("Energy Code"). This Chapter 15.81 amends the energy code to place additional provisions on new residential and non-residential development projects. To the extent the provisions of this chapter conflict with any current or subsequently adopted provisions of the energy code, then the most energy conserving provisions shall supersede and control.

### **15.81.040 Definitions.**

Definitions of terms are as provided in the energy code.

### **15.81.050 Solar installation—Local amendment to state energy code.**

Subchapter 2 of the Energy Code—All Occupancies—Mandatory Requirements for the Manufacture, Construction and Installation of Systems, Equipment, and Building Components is amended to include:

Solar photovoltaic systems shall be installed on both non-residential and residential building types as follows:

A. ~~New Non-residential and High Rise Residential buildings:~~

1. ~~Buildings with less than 10,000 square feet of gross floor area shall provide a minimum of a 3 kilowatt photovoltaic system.~~
2. ~~Buildings with 10,000 square feet or more of gross floor area shall provide a minimum of a 5 kilowatt photovoltaic system.~~
3. ~~Exception: As an alternative to a solar photovoltaic system listed above, a solar hot water system (solar thermal) may be substituted for all or part of the photovoltaic system, upon submittal of written documentation demonstrating at least the equivalent energy savings to the otherwise required photovoltaic system, subject to approval by the Building Official.~~

B. ~~New Single Family and Low Rise Residential Buildings shall comply with the requirements of Title 24, Part 6 of the California Code of Regulation, Section 150.1(c)14, as adopted by the City in Chapter 15.04:~~

C. ~~New Mixed-use Buildings:~~

1. ~~Mixed-use buildings shall provide the minimum sized photovoltaic system for both the residential and non-residential components of the building (i.e.: residential and non-residential minimum requirements are considered additive).~~

**~~15.81.060 Infeasibility exemption.~~**

~~If an applicant believes that circumstances exist that make it infeasible to meet the requirements of this chapter, the applicant may request an exemption via written request to the building official. In applying for the exemption, the burden is on the applicant to demonstrate infeasibility to the satisfaction of the building official. Infeasibility exemption may be granted on the basis of site specific cost effectiveness study information or other site or project specific factors.~~

## **Chapter 15.83—BUILDING ELECTRIFICATION**

### **15.83.010—Title.**

This chapter shall be known as the City of Brisbane Building Electrification Ordinance.

### **15.83.020—Authority.**

The building official or the building official's designee shall have the authority to enforce the provisions of this chapter.

### **15.83.025—Coordination with state energy regulations.**

This chapter does not replace the most recent edition of the Building Energy Efficiency Standards for Residential and Non-residential Buildings, Title 24, Part 6 of the California Code of Regulation as adopted by the city in Chapter 15.04 of this Title, ("Energy Code"). This Chapter 15.83 amends the energy code to place additional provisions on new residential and nonresidential development projects. To the extent the provisions of this chapter conflict with any current or subsequently adopted provisions of the energy code, then the most energy conserving provisions shall supersede and control.

### **15.83.030—Purpose.**

The purpose of this chapter is to reduce greenhouse gas emissions through the electrification of new buildings and reduction in the use of fossil fuels.

### **15.83.040—Application.**

This chapter applies to the permitting of all new residential and new non-residential development projects. It does not apply to portable equipment, such as barbeques, with gas supplied by a self-contained, portable fuel tank.

### **15.83.050—Definitions:**

For the purposes of this chapter, the following definitions shall apply:

- A.—Appliance: "Appliance" means an installed, energy using device or equipment used for basic residential or non-residential task, such as cooking range, refrigerator and dishwasher.
- B.—All electric building: "All electric building" means a building requiring power that has no natural gas, propane or other fossil fuel plumbing installed within the building and instead uses electricity as the source for its building systems and appliances, such as space heating and/or cooling, water heating, cooking appliances and clothes drying appliances. All electric buildings may include solar thermal water heating.
- C.—Building system: "Building system" means the building's installed air conditioning, space heating, lighting, water heating and similar equipment to be utilized throughout the building.
- D.—Life science building: "Life science building" means a building where research, experiments and measurement in medical and life sciences are performed and/or stored requiring examination of fine details. The building may include a combination of scientific work areas and the supporting offices.

**~~15.83.060—Building requirements—this section shall be effective January 1, 2021.~~**

~~A.—New Residential Development. New residential construction shall comply with the following provisions:~~

~~1.—Electric Building Standards:~~

~~a.—New residential buildings shall be all electric.~~

~~2.—Exception:~~

~~a.—Residences may include non-electric cooking appliances and fireplaces. Where a non-electric cooking appliance is to be used, the appliance location shall also be pre-wired for future electric appliance installation, with electrical capacity and the reserved circuit breaker space for each appliance identified.~~

~~The applicant may submit a written request for a financial hardship exception, subject to building official approval. In such cases, it shall be demonstrated that the costs, including short and long term operating costs, would be more expensive under the ordinance provisions.~~

~~B.—New Non-residential Development. New non-residential construction shall comply with the following provisions:~~

~~1.—Electric Building Standards:~~

~~a.—New non-residential buildings shall be all electric.~~

~~2.—Exceptions: The following exceptions apply:~~

~~a.—Life science buildings.~~

~~b.—Other building types where it can be demonstrated in writing, subject to building official approval, that non-electric building components are essential as a core component of the intended building use, such as a barbeque-themed restaurant, pizza oven, etc. and the use could not reasonably be accommodated by electric building systems or appliances.~~

~~c.—The applicant may submit a written request for a financial hardship exception, subject to building official approval. In such cases, it shall be demonstrated that the costs, including short and long term operating costs, would be more expensive under the ordinance provisions.~~

Title 15 - BUILDINGS AND CONSTRUCTION  
Chapter 15.86 ELECTRIC VEHICLE CHARGING STATION PERMIT STREAMLINING

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### 15.86.020 - Purpose of chapter.

This chapter is adopted for the following purposes:

- A. To comply with California Government Code Section 65850.7 or successor legislation.
- B. To provide an expedited, streamlined permitting process for electric vehicle charging stations.
- C. To continue to address life-safety issues for electric vehicle charging stations through the building permit process.
- D. To further the purposes of Chapter 15.84 of this Code (Electric Vehicle Infrastructure) concerning the requirements for electrical vehicle charging infrastructure as part of new development projects.

### 15.86.040 - Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings:

- A. "Building official" is the community development director and the duties specified herein may be assigned to the director's designee.
- ~~A-B.~~ "Electronic submittal" means using the city's online portal or the internet.
- ~~B-C.~~ "Electric vehicle charging station" or "charging station" means any level of an electric vehicle supply equipment station that is designed and built in compliance with Article 625 of the California Electric Code, as it reads on January 1, 2019 or subsequently adopted amendments, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.
- ~~C-D.~~ "Specific adverse impact" means a significant, quantifiable, direct, or unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.
- ~~D-A.~~ "Building official" is the community development director and the duties specified herein may be assigned to the director's designee.
- E. "Unusual circumstances" means the city's resources have been limited due to such things as response to a declaration of local emergency, natural disaster, pandemic or similar unforeseen events.

### 15.86.050 - Application requirements and procedures.

An electric vehicle charging station shall require a building permit subject to the requirements and procedures set forth in Sections 15.86.050.A—D. These sections apply to the permitting of all electric vehicle charging stations in the city.

- A. Requirements (as set forth in Government Code, Section ~~65870~~65850.7 or successor legislation).
  1. Electric vehicle charging stations shall meet all applicable health and safety requirements imposed by the state and the city.
  2. Electric vehicle charging stations shall meet all applicable safety and performance standards established by the California Electric Code, the Society of Automotive Engineers, the National Electrical Manufacturers Association, and the accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.
- B. Application Streamlining.
  1. The city's permitting procedures shall comply with Government Code Section ~~65870~~65850.7 or successor legislation. The City shall:
    - a. Provide an administratively adopted building permit checklist of requirements and application form that will available through the city's website.
    - b. Accept an applicant's electronic signature on all forms, applications, and other documents.



- c. Administratively approve building permit applications that comply with all requirements.
  - d. Limit its review and requirements to those standards and regulations necessary to ensure there is no specific adverse impact on public health or safety by the proposed installation.
  - e. Complete its review of each building permit application and, except in the event of unusual circumstances, provide the applicant with written notice of the status of the application within the applicable time period prescribed in Section 65850.7 or successor legislation fifteen (15) business days. This shall include one or more of the following: notice of an incomplete application with deficiencies indicated, notice of approval based on the finding provided in section 15.86.050.C.1, notice of an incomplete application with deficiencies indicated, or notice of denial based on the finding provided in section 15.86.050.C.2.
2. Application Requirements.
- a. As required by the building official, the applicant shall complete and submit the charging station building permit checklist, application form, plans and supplemental documentation and shall submit payment of adopted application fees to the city.
  - b. Through the application for a building permit, the applicant shall provide documentation demonstrating that the installation of an electric vehicle charging station will not have a specific adverse impact to public health and safety or any building occupants, such verification shall include but not be limited to: electrical system capacity and loads; electrical system wiring, bonding and overcurrent protection; building infrastructure affected by charging station equipment and associated conduits; areas of charging station equipment and vehicle parking.
  - c. Anchorage of either floor-mounted or wall-mounted electric vehicle charging stations shall meet the requirements of the California Building or Residential Code as applicable per occupancy, and the manufacturer's installation instructions. Mounting of charging stations shall not adversely affect building elements.
- C. Findings.
- 1. Approval. The building official shall approve a complete permit application that meets the required standards and approved checklist demonstrating that the electric vehicle charging station will not have a specific adverse impact on public health or safety.
  - 2. Denial. The building official shall not approve a complete permit application where it is found that the proposed electric vehicle charging station would have a specific adverse impact upon the public health or safety and there is no known condition of approval that may be applied to mitigate the specific adverse impact given the circumstances of the application. The building official shall provide to the applicant in writing such finding when made.
- D. Conditions of Approval.
- 1. If necessary to meet the finding provided in Section 15.86.050.C.1, the building official may impose condition(s) of approval, but such condition(s) shall be limited to those designed to mitigate the specific adverse impact upon the public health and safety at the lowest feasible cost.
  - 2. The city shall not condition its approval on the approval of an association as that term is defined on Section 4080 of the State Civil Code.

### 15.86.060 - Appeals.

- A. ~~An applicant may appeal tThe decision of the building official may be appealed by the applicant to the planning commission in accordance with the procedures set forth in Title 17, except that the appeal must~~ shall be filed within seven (7) calendar days of ~~after the date on which the decision was is rendered. The applicant may appeal the building official's action or conditions imposed and such shall be~~

~~made to the city manager in writing, clearly stating the reason for appeal, and filed with the city clerk within ten (10) calendar days after the final action of the building official.~~

~~B.A. The city manager shall consider the appeal within thirty (30) days and may affirm, reverse or modify the director's decision concerning the department decision. The decision of the city manager shall be final.~~